IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:
MR. JUSTICE YAHYA AFRIDI, CJ
MR. JUSTICE AMIN-UD-DIN KHAN
MRS. JUSTICE AYESHA A. MALIK

CIVIL APPEAL NO.1509 OF 2021, CIVIL PETITIONS NO.412, 420 TO 424, 461 TO 463 OF 2019, CMAs NO.1470 OF 2020 & 7698 OF 2022 IN CIVIL PETITION NO.463 OF 2019 AND CIVIL PETITION NO.506 OF 2019, CIVIL PETITION NO.6005 OF 2021, CMA NO.1636 OF 2022 IN CP.6005 OF 2021, CMA NO.1637 OF 2022 IN CP.6005 OF 2021, CIVIL PETITIONS NO.6006, 6023 TO 6030, 6087 TO 6096, 6101 TO 6104 OF 2021, CMA NO.7515 OF 2024 IN CP NO.6104 OF 2021, CIVIL PETITION NO.6105 & 6106 OF 2021, CIVIL PETITIONS NO.6205, 6222 TO 6225, 6255, 6268 TO 6273, 6332, 6333, 6358 OF 2021, CMA NO.1633 OF 2022 IN CP.6358 OF 2021, CMA NO.810 OF 2022 IN CP NO.6358 OF 2021, CIVIL PETITIONS NO.6359 TO 6364, 6379 OF 2021, CMA NO.11521 OF 2023 IN CP NO.6379 OF 2021, CIVIL PETITIONS NO.6437, 6453 TO 6456, 6485, 6545 TO 6550, 6553 TO 6556 OF 2021, CIVIL PETITIONS NO.30, 112 TO 114, 118, 134, 135, 139 TO 145, 329, 330, 368 TO 371, 465 TO 471 AND 654 OF 2022, CIVIL PETITIONS NO.369, 373 AND 603 OF 2018, CIVIL PETITIONS NO.2107 & 2138 OF 2022, CMA NO.5783 OF 2022 IN CP NO.2138 OF 2022, CIVIL PETITION NO.2139 OF 2022, CMA NO.5641 OF 2022 IN CP NO.2139 OF 2022, CIVIL PETITION NO.2140 OF 2022, CMA NO.5784 OF 2022 IN CP NO.2140 OF 2022, CIVIL PETITION NO.2141 OF 2022, CMA NO.5785 OF 2022 IN CP NO.2141 OF 2022, CIVIL PETITION NO.2142 OF 2022, CMA NO.5786 OF 2022 IN CP NO.2142 OF 2022, CIVIL PETITION NO.2143 OF 2022, CMA NO.5624 OF 2022 IN CP NO.2143 OF 2022, CIVIL PETITION NO.2144 OF 2022, CMA NO.5787 OF 2022 IN CP NO.2144 OF 2022, CIVIL PETITION NO.2145 OF 2022, CMA NO.5788 OF 2022 IN CP NO.2145 OF 2022, CIVIL PETITION NO.2146 OF 2022, CMA NO.5638 OF 2022 IN CP NO.2146 OF 2022, CIVIL PETITION NO.2147 OF 2022, CMA NO.5789 OF 2022 IN CP NO.2147 OF 2022, CIVIL PETITION NO.2197 OF 2022, CMA NO.5883 OF 2022 IN CP NO.2197 OF 2022, CIVIL PETITION NO.2199 OF 2022, CMA NO.5862 OF 2022 IN CP NO.2199 OF 2022, CIVIL PETITIONS NO.2200 & 2201 OF 2022, CMA NO.6066 OF 2022 IN CP NO.2201 OF 2022, CIVIL PETITION NO.2202 OF 2022, CMA NO.6075 OF 2022 IN CP NO.2202 OF 2022, CIVIL PETITITON NO.2203 OF 2022, CMA NO.6076 OF 2022 IN CP NO.2203 OF 2022, CIVIL PETITION NO.2204 OF 2022, CMA NO.6079 OF 2022 IN CP NO.2204 OF 2022, CIVIL PETITION NO.2205 OF 2022, CMA NO.6074 OF 2022 IN CP NO.2205 OF 2022, CIVIL PETITION NO.2563 OF 2022, CMA NO.6601 OF 2022 IN CP NO.2563 OF 2022, CIVIL PETITION NO.2564 OF 2022, CMA NO.6602 OF 2022 IN CP NO.2564 OF 2022, CIVIL PETITIONS NO.357-K, 365-K AND 426-K OF 2019, CIVIL PETITIONS NO.424-K OF 2019, 495-K AND 496-K OF 2023, CIVIL PETITIONS NO.1919 AND 2066 OF 2019, CRIMINAL ORIGINAL PETITION NO.28 OF 2018 IN CRIMINAL ORIGINAL PETITION NO.54 OF 2015, CRIMINAL ORIGINAL PETITION NO.56 OF 2018 IN CIVIL PETITION NO.1643 OF 2014,

CRIMINAL ORIGINAL PETITION NO.84 OF 2018 IN CIVIL PETITION NO.1643 OF 2014, CRIMINAL ORIGINAL PETITION NO.144 OF 2022 IN CIVIL PETITION NO.568 OF 2014, CRIMINAL ORIGINAL PETITION NO.29 OF 2023 IN CIVIL PETITION NO.568 OF 2014 AND CRIMINAL MISCELLANEOUS APPLICATION NO.139 OF 2025 IN CRIMINAL ORIGINAL PETITION NO.56 OF 2018

[Against the judgments dated 20.04.2021, 17.12.2018, 02.11.2021, 29.11.2017, 26.04.2022, 05.04.2019, 02.05.2019, 25.01.2023, 20.02.2019, 12.06.2015, of the Islamabad High Court, Islamabad; Peshawar High Court, Peshawar/D.I. Khan Bench, D.I. Khan; High Court of Sindh, Karachi; High Court of Balochistan, Quetta; Supreme Court of Pakistan passed in W.P.Nos.1271/2020, 2119/2015, 2112/2015, 2206/2015, 2258/2015, 2346/2015, 3743/2015, 2111/2015, 2265/2015, I.C.A.No.34/2017, W.P.No.2801/2015, I.C.A.Nos.82/2020, 140/2020, 98/2020, 103/2020, 104/2020, 118/2020, 119/2020, 120/2020, 280/2021, 286/2021, 84/2020, 87/2020, 88/2020, 89/2020, 91/2020, 92/2020, 95/2020, 109/2020, 149/2020, 294/2021, 117/2020, 150/2020, 283/2021, 274/2020, 277/2020, 285/2021, 88/2020, 286/2021, 89/2020, 103/2020, 85/2020, 104/2020, 281/2021, 282/2021, 284/2021, 126/2020, 125/2020, 122/2020, 100/2020, 127/2020, 82/2020, 88/2020, 125/2020, 87/2020, 285/2021, 117/2020, 96/2020, 281/2021, 99/2020, 100/2020, 99/2020, 102/2020, 97/2020, 96/2020, 82/2020, 87/2020, 274/2020, 276/2020, 277/2020, 278/2020, 117/2020, 278/2021, 280/2021, 287/2021, 84/2020, 126/2020, 102/2020, 285/2020, 150/2020, 278/2021, 141/2020, 279/2021, 83/2020, 120/2020, 294/2021, 119/2020, 278/2021, 118/2020, 122/2020, 126/2020, 283/2021, 91/2020, 284/2021, 102/2020, 282/2021, 285/2021, 97/2020, 109/2020, 92/2020, 87/2020, 82/2020, 87/2020, W.P.Nos.5009-P/2016, 3402-P/2016, 5006-P/2016, 789-D/2020, 792-D/2020, 820-D/2020, 817-D/2020, 816-D/2020, 815-D/2020, 821-D/2020, 885-D/2020, 884-D/2020, 661-D/2021, 789-D/2020, 661-D/2021, 815-D/2020, 817-D/2020, 816-D/2020, 820-D/2020, 821-D/2020, 884-D/2020, 885-D/2020, 660-D/2021, 653-D/2021, C.Ps. Nos.D-100/2013, D-101/2013, D-1952/2014, D-859/2019, D-5251/2020, 412/2018, 1336/2017, C.P.L.A.Nos.565, 1643 and 568/2014]

C.A.1509/2021: Pakistan Telecommunication Company Ltd, Islamabad *vs.* Imran Aziz and others

C.P.L.A.412/2019: Pakistan Telecommunication Company Ltd, HQ, Islamabad through Ms. Zahida Awan, EVP *vs.* Muhammad Azam and others

C.P.L.A.420/2019: Pakistan Telecommunication Company Ltd, HQ, Islamabad through Ms. Zahida Awan, EVP *vs.* Ghulam Dastgir and others

C.P.L.A.421/2019: Pakistan Telecommunication Company Ltd, HQ, Islamabad through Ms. Zahida Awan, EVP *vs.* Amanullah and others

C.P.L.A.422/2019: Pakistan Telecommunication Company Ltd, HQ, Islamabad through Ms. Zahida Awan, EVP *vs.* Syed Muhammad Husnain Zaidi and others

C.P.L.A.423/2019: Pakistan Telecommunication Company Ltd, HQ, Islamabad through Ms. Zahida Awan, EVP *vs.* Muhammad Imran Shafi & another

C.P.L.A.424/2019: Pakistan Telecommunication Company Ltd, HQ, Islamabad through Ms. Zahida

	Awan, EVP *vs.* Muhammad Amjad Anwar (decd.) through LRs & another
C.P.L.A.461/2019:	Pakistan Telecommunication Company Ltd, HQ, Islamabad through its Chief Executive Officer/President *vs.* Muhammad Amjad Aziz and others
C.P.L.A.462/2019:	Pakistan Telecommunication Company Ltd, HQ, Islamabad through its Chief Executive Officer/President *vs.* Muhammad Ashfaq Ajmal and others
C.P.L.A.463/2019:	Pakistan Telecommunication Company Ltd, HQ, Islamabad through Ms. Zahida Awan, EVP *vs.* Noor Wali Khan and others
C.M.A.1470/2020 in C.P.L.A.463/2019:	Pakistan Telecommunication Company Ltd, HQ, Islamabad through Ms. Zahida Awan, EVP *vs.* Noor Wali Khan and others
C.M.A.7698/2022 in C.P.L.A.463/2019:	Pakistan Telecommunication Company Ltd, HQ, Islamabad through Ms. Zahida Awan, EVP *vs.* Noor Wali Khan and others
C.P.L.A.506/2019:	Pakistan Telecommunication Company Ltd, HQ, Islamabad through Ms. Zahida Awan, EVP *vs.* Muhammad Tariq and others
C.P.L.A.6005/2021:	Pakistan Telecommunication Employees Trust Islamabad *vs.* Muhammad Jaffar and others
C.M.A.1636/2022 in C.P.L.A.6005/2021:	Pakistan Telecommunication Employees Trust Islamabad *vs.* Muhammad Jaffar and others
C.M.A.1637/2022 in C.P.L.A.6005/2021:	Pakistan Telecommunication Employees Trust Islamabad *vs.* Muhammad Jaffar and others
C.P.L.A.6006/2021:	Pakistan Telecommunication Employees Trust (PTET), Islamabad and another *vs.* Ghufran Ullah and others
C.P.L.A.6023/2021:	Pakistan Telecommunication Company Trust (PTET) through G.M. Islamabad *vs.* Muhammad Tariq Azhar and others
C.P.L.A.6024/2021:	Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Zahid Hussain and others
C.P.L.A.6025/2021:	Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Abdul Hameed Malik and others

C.P.L.A.6026/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Syed Ubaid Hussain Shah & another

C.P.L.A.6027/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Muhammad Yousaf and others

C.P.L.A.6028/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Gul Dad Khan and others

C.P.L.A.6029/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Israr Ahmad Khan and others

C.P.L.A.6030/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Mumtaz Ali Shah and others

C.P.L.A.6087/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Muhammad Azam and others

C.P.L.A.6088/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Naveed Iqbal and others

C.P.L.A.6089/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Muhammad Arif and others

C.P.L.A.6090/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Muhammad Ilyas and others

C.P.L.A.6091/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Syed Qudrat Shah and others

C.P.L.A.6092/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Ijaz Ahmed Mirza and others

C.P.L.A.6093/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Muhammad Yar Tahir and others

C.P.L.A.6094/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Rasool Khan and others

C.P.L.A.6095/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Muhammad Tariq Azhar and others

C.P.L.A.6096/2021: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Raja Muhammad Saeed and others

C.P.L.A.6101/2021: Pakistan Telecommunication Employees Trust (PTET) Through General Manager, Islamabad *vs.* Mehmood Mehdi and others

C.P.L.A.6102/2021: Pakistan Telecommunication Company Limited, Islamabad. *vs.* Muhammad Azam and others

C.P.L.A.6103/2021: Pakistan Telecommunication Employees Trust (PTET) Through General Manager, Islamabad *vs.* Muhammad Naeem and others

C.P.L.A.6104/2021: Pakistan Telecommunication Company Limited, Islamabad. *vs.* Imtiaz Ahmad and others

C.M.A.7515/2024 in C.P.L.A.6104/2021: Pakistan Telecommunication Company Limited, Islamabad. *vs.* Imtiaz Ahmad and others

C.P.L.A.6105/2021: Pakistan Telecommunication Company Limited, Islamabad. *vs.* Muhammad Ishaq and others

C.P.L.A.6106/2021: Pakistan Telecommunication Employees Trust (PTET) Through General Manager, Islamabad *vs.* Khalid Mehmood and others

C.P.L.A.6205/2021: Mohammad Arif and others *vs.* Pakistan Telecommunication Employees Trust (PTET) through its M.D. Islamabad and others

C.P.L.A.6222/2021: Mumtaz Ali Shah and another *vs.* Pakistan Telecommunication Employees Trust (PTET) through its M.D. Islamabad and another

C.P.L.A.6223/2021: Muhammad Ilyas Chaudhary and others *vs.* Pakistan Telecommunication Employees Trust (PTET) through its M.D. Islamabad and another

C.P.L.A.6224/2021: Zahid Hussain and another *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D. Islamabad and another

C.P.L.A.6225/2021: Fazal Karim and others *vs.* Pakistan Telecommunication Employees Trust (PTET) through its M.D. Islamabad and another

C.P.L.A.6255/2021:	Abdul Hameed and others *vs.* Pakistan Telecommunication Employees Trust (PTET) through its M.D. Islamabad and another
C.P.L.A.6268/2021:	Pakistan Telecommunication Employees Trust (PTET), Through G.M. Islamabad *vs.* Muhammad Yaqoob and others
C.P.L.A.6269/2021:	Pakistan Telecommunication Employees Trust (PTET), Through G.M. Islamabad *vs.* Muhammad Ghous and others
C.P.L.A.6270/2021:	Pakistan Telecommunication Employees Trust (PTET), Through G.M. Islamabad *vs.* Muhammad Ismail and others
C.P.L.A.6271/2021:	Pakistan Telecommunication Employees Trust (PTET), Through G.M. Islamabad *vs.* Sanaullah Baloch and others
C.P.L.A.6272/2021:	Pakistan Telecommunication Employees Trust (PTET), Through G.M. Legal (Labour & Litigation) Islamabad *vs.* Muhammad Jhangir and others
C.P.L.A.6273/2021:	Pakistan Telecommunication Employees Trust (PTET), Through G.M. Legal (Labour & Litigation) Islamabad *vs.* Sanaullah Baloch and others
C.P.L.A.6332/2021:	Ghulam Qadir *vs.* Pakistan Telecommunication Employees Trust (PTET) through its M.D., Islamabad and another
C.P.L.A.6333/2021:	Mst. Naeema Khatoon and others *vs.* Pakistan Telecommunication Employees Trust (PTET) through its M.D., Islamabad and another
C.P.L.A.6358/2021:	Muhammad Fakhar uz Zaman and others *vs.* Pakistan Telecommunication Employees Trust CDDT, Islamabad and another
C.M.A.1633/2022 in C.P.L.A.6358/2021:	Muhammad Fakhar uz Zaman and others *vs.* Pakistan Telecommunication Employees Trust CDDT, Islamabad and another
C.M.A.810/2022 in C.P.L.A.6358/2021:	Muhammad Fakhar uz Zaman and others *vs.* Pakistan Telecommunication Employees Trust CDDT, Islamabad and another
C.P.L.A.6359/2021:	Ziafat Din and another *vs.* Pakistan Telecommunication Employees Trust CDDT, Islamabad and another

C.P.L.A.6360/2021:	Muhammad Jhangir *vs.* Pakistan Telecommunication Employees Trust CDDT, Islamabad and others
C.P.L.A.6361/2021:	Nazar Muhammad and others *vs.* Pakistan Telecommunication Employees Trust CDDT, Islamabad and others
C.P.L.A.6362/2021:	Muhammad Abbas Khan and others *vs.* Pakistan Telecommunication Employees Trust CDDT, Islamabad and another
C.P.L.A.6363/2021:	Mehmood Mehdi and others *vs.* Pakistan Telecommunication Employees Trust CDDT, Islamabad and another
C.P.L.A.6364/2021:	Pakistan Telecommunication Employees Trust, Islamabad *vs.* Muhammad Suleman and others
C.P.L.A.6379/2021:	Muhammad Yaqoob and others *vs.* Pakistan Telecommunication Employees Trust (PTET) through its M.D., Islamabad and another
C.M.A.11521/2023 in C.P.L.A.6379/2021:	Muhammad Yaqoob and others *vs.* Pakistan Telecommunication Employees Trust (PTET) through its M.D., Islamabad and another
C.P.L.A.6437/2021:	Muhammad Ghafoor Ahmed and others *vs.* Pakistan Telecommunication Employees Trust (PTET) through its M.D., Islamabad and another
C.P.L.A.6453/2021:	Pakistan Telecommunication Employees Trust (PTET), Through G.M. Islamabad *vs.* Ghulam Qadir and another
C.P.L.A.6454/2021:	Pakistan Telecommunication Employees Trust (PTET), through G.M. Islamabad *vs.* M. Ghafoor Ahmed and others
C.P.L.A.6455/2021:	Pakistan Telecommunication Employees Trust (PTET), through G.M. Islamabad *vs.* Shahid-ul-Haq and others
C.P.L.A.6456/2021:	Pakistan Telecommunication Employees Trust (PTET), through G.M. Islamabad *vs.* Rasool Khan and others
C.P.L.A.6485/2021:	Muhammad Suleman and others *vs.* Pakistan Telecommunication Employees Trust (PTET) through its M.D., Islamabad and another

C.P.L.A.6545/2021: Nazir Ahmad and others *vs.* Pakistan Telecommunication Employee Trust (CDDT), Islamabad

C.P.L.A.6546/2021: Muhammad Ghufran Qureshi and others *vs.* Pakistan Telecommunication Employee Trust (CDDT), Islamabad and another

C.P.L.A.6547/2021: Imtiaz Ahmad and others *vs.* Federation of Pakistan through Secretary, M/o Information, Technology & Telecom, Islamabad & another

C.P.L.A.6548/2021: Nisar Abbas and others *vs.* Pakistan Telecommunication Employee Trust (CDDT), Islamabad and another

C.P.L.A.6549/2021: Muhammad Ishaq and others *vs.* Pakistan Telecommunication Employee Trust (CDDT), Islamabad and another

C.P.L.A.6550/2021: Zulfiqar Ali Channa and others *vs.* Pakistan Telecommunication Employee Trust (CDDT), Islamabad and another

C.P.L.A.6553/2021: Muhammad Siddique and others *vs.* Pakistan Telecommunication Employee Trust (CDDT), Islamabad and another

C.P.L.A.6554/2021: Bagh Ali Shah and others *vs.* Pakistan Telecommunication Employee Trust (PTET), Islamabad and another

C.P.L.A.6555/2021: Israr Ahmad Khan and others *vs.* Pakistan Telecommunication Employee Trust (CDDT), Islamabad and another

C.P.L.A.6556/2021: Khurshid Ahmad and others *vs.* Pakistan Telecommunication Employee Trust (PTET), Islamabad and another

C.P.L.A.30/2022: Muhammad Azam and others *vs.* Pakistan Telecommunication Employees Trust (PTET), Islamabad and others

C.P.L.A.112/2022: Ch. Mushtaq Ahmad *vs.* Pakistan Telecommunication Employees Trust (PTET) Through G.M., Islamabad

C.P.L.A.113/2022: Zahoor Ahmad Raja *vs.* Pakistan Telecommunication Employees Trust PTET, Islamabad

C.P.L.A.114/2022: Ch. Abdul Hameed and another *vs.* Pakistan Telecommunication Employees Trust (PTET) Through G.M., Islamabad

C.P.L.A.118/2022: Muhammad Azam and others *vs.* Pakistan Telecommunication Company, PTCL, Islamabad and others

C.P.L.A.134/2022: Pakistan Telecommunication Employees Trust (PTET), Islamabad *vs.* Bagh Ali Shah and others

C.P.L.A.135/2022: Pakistan Telecommunication Company Ltd (PTCL), Islamabad *vs.* Mehmood Mehdi and others

C.P.L.A.139/2022: Muhammad Shah and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.140/2022: Mst. Hadia Iqbal *vs.* Pakistan Telecommunication Employees Trust (PTET), through its Managing Director, Islamabad and another

C.P.L.A.141/2022: Guldad Khan and another *vs.* Pakistan Telecommunication Employees Trust (PTET), through its Managing Director, Islamabad and another

C.P.L.A.142/2022: Raja Muhammad Saeed and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.143/2022: Mst. Qaseem-un-Nisa and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.144/2022: Nabi Ullah *vs.* Pakistan Telecommunication Employees Trust (PTET), through its Managing Director, Islamabad and another

C.P.L.A.145/2022: Syed Ubaid Hussain Shah *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.329/2022: Sanaullah Baloch and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its Managing Director, Islamabad and another

C.P.L.A.330/2022: Sanaullah Baloch and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its Managing Director, Islamabad and another

C.P.L.A.368/2022: Muhammad Naeem and others *vs.* Pakistan Telecommunication Employees

Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.369/2022: Syed Qudrat Shah and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.370/2022: Muhammad Ismail and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.371/2022: Shahid ul Haq and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.465/2022: Muhammad Ghous and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.466/2022: Khalid Mehmood and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.467/2022: Rasool Khan and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.468/2022: Rasool Khan and others *vs.* Pakistan Telecommunication Company Limited and another

C.P.L.A.469/2022: Ijaz Ahmed Mirza and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.470/2022: Muhammad Jaffar Khan and others *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D., Islamabad and another

C.P.L.A.471/2022: Naveed Iqbal and others *vs.* Pakistan Telecommunication Employees Trust (PTEF), through its M.D., Islamabad and another

C.P.L.A.654/2022: Abdul Rehman *vs.* Pakistan Telecommunication Employees Trust (PTET), through its M.D. Islamabad and others

C.P.L.A.369/2018: Muhammad Riaz and others *vs.* The Federation of Pakistan through Secretary

M/o Information and Technology and Telecommunication, Islamabad and others

C.P.L.A.373/2018: Shakir Ullah and others *vs.* The Federation of Pakistan through Secretary M/o Information Technology and Telecommunication, Islamabad and others

C.P.L.A.603/2018: Pakistan Retired Employed Welfare Association (PREWA) through its President, Peshawar *vs.* Federation of Pakistan through Secretary M/o Information Technology, Islamabad and others

C.P.L.A.2107/2022: Pakistan Telecommunication Company Limited through its President, Islamabad and others *vs.* Muhammad Ramzan & another

C.P.L.A.2138/2022: Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Muhammad Munir Khattak and others

C.M.A.5783/2022 in C.P.L.A.2138/2022: Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Muhammad Munir Khattak and others

C.P.L.A.2139/2022: Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Saeed Ahmad Nasir and others

C.M.A.5641/2022 in C.P.L.A.2139/2022: Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Saeed Ahmad Nasir and others

C.P.L.A.2140/2022: Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Muhammad Jahangir Khan and others

C.M.A.5784/2022 in C.P.L.A.2140/2022: Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Muhammad Jahangir Khan and others

C.P.L.A.2141/2022: Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Malik Allah Nawaz and others

C.M.A.5785/2022 in C.P.L.A.2141/2022: Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Malik Allah Nawaz and others

C.P.L.A.2142/2022: Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Rahmat Ullah and others

C.M.A.5786/2022 in C.P.L.A.2142/2022: Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Rahmat Ullah and others

C.P.L.A.2143/2022:	Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Khalid Jan and others
C.M.A.5624/2022 in C.P.L.A.2143/2022:	Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Khalid Jan and others
C.P.L.A.2144/2022:	Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Zafar Iqbal and others
C.M.A.5787/2022 in C.P.L.A.2144/2022:	Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Zafar Iqbal and others
C.P.L.A.2145/2022:	Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Mst. Razia Sultana and others
C.M.A.5788/2022 in C.P.L.A.2145/2022:	Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Mst. Razia Sultana and others
C.P.L.A.2146/2022:	Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Gull Jamal and others
C.M.A.5638/2022 in C.P.L.A.2146/2022:	Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Gull Jamal and others
C.P.L.A.2147/2022:	Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Muhammad Ramzan and others
C.M.A.5789/2022 in C.P.L.A.2147/2022:	Pakistan Telecommunication Employees Trust (PTET) through its G.M. Islamabad *vs.* Muhammad Ramzan and others
C.P.L.A.2197/2022:	Pakistan Telecommunication Company Limited (PTCL), Islamabad and others *vs.* Gull Jamal and others
C.M.A.5883/2022 in C.P.L.A.2197/2022:	Pakistan Telecommunication Company Limited (PTCL), Islamabad and others *vs.* Gull Jamal and others
C.P.L.A.2199/2022:	Pakistan Telecommunication Company Limited, Islamabad and others *vs.* Rehmat Ullah & another
C.M.A.5862/2022 in C.P.L.A.2199/2022:	Pakistan Telecommunication Company Limited, Islamabad and others *vs.* Rehmat Ullah & another

C.P.L.A.2200/2022:	Pakistan Telecommunication Company Limited (PTCL), Islamabad and others *vs.* Muhammad Jahagir Khan & another
C.P.L.A.2201/2022:	Pakistan Telecommunication Company Limited, Islamabad and others *vs.* Malik Allah Nawaz & another
C.M.A.6066/2022 in C.P.L.A.2201/2022:	Pakistan Telecommunication Company Limited, Islamabad and others *vs.* Malik Allah Nawaz & another
C.P.L.A.2202/2022:	Pakistan Telecommunication Company Limited (PTCL), Islamabad and others *vs.* Saeed Ahmad Nasir & another
C.M.A.6075/2022 in C.P.L.A.2202/2022:	Pakistan Telecommunication Company Limited (PTCL), Islamabad and others *vs.* Saeed Ahmad Nasir & another
C.P.L.A.2203/2022:	Pakistan Telecommunication Company Limited (PTCL), Islamabad and others *vs.* Khalid Jan
C.M.A.6076/2022 in C.P.L.A.2203/2022:	Pakistan Telecommunication Company Limited (PTCL), Islamabad and others *vs.* Khalid Jan
C.P.L.A.2204/2022:	Pakistan Telecommunication Company Limited, Islamabad and others *vs.* Razia Sultana & another
C.M.A.6079/2022 in C.P.L.A.2204/2022:	Pakistan Telecommunication Company Limited, Islamabad and others *vs.* Razia Sultana & another
C.P.L.A.2205/2022:	Pakistan Telecommunication Company Limited, Islamabad and others *vs.* Zafar Iqbal & another
C.M.A.6074/2022 in C.P.L.A.2205/2022:	Pakistan Telecommunication Company Limited, Islamabad and others *vs.* Zafar Iqbal & another
C.P.L.A.2563/2022:	Pakistan Telecommunication Employees Trust, Islamabad *vs.* Muhammad Israil Khan and others
C.M.A.6601/2022 in C.P.L.A.2563/2022:	Pakistan Telecommunication Employees Trust, Islamabad *vs.* Muhammad Israil Khan and others
C.P.L.A.2564/2022:	Pakistan Telecommunication Employees Trust, Islamabad *vs.* Khalid Bin Ameen and others
C.M.A.6602/2022 in C.P.L.A.2564/2022:	Pakistan Telecommunication Employees Trust, Islamabad *vs.* Khalid Bin Ameen and others

C.P.L.A.357-K/2019:	Pakistan Telecommunication Company Ltd. and another *vs.* Nafees Fatima and others
C.P.L.A.365-K/2019:	Pakistan Telecommunication Employees Trust and another *vs.* Nafees Fatima and others
C.P.L.A.426-K/2019:	Syed Hasnain Raza *vs.* Federation of Pakistan through its Secy: I.T & Telecom M/o Information Technology and others
C.P.L.A.424-K/2019:	Pakistan Telecommunication Company Limited and another *vs.* Syed Ali Ammaar Jafrey and others
C.P.L.A.495-K/2023:	Syed Saghir-uz-Zamman *vs.* Federation of Pakistan through Secretary Ministry of Information Technology and Telecommunication and others
C.P.L.A.496-K/2023:	Muhammad Kamal-ud-din Mallick *vs.* Federation of Pakistan through Secretary Ministry of Information Technology and Telecommunication and others
C.P.L.A.1919/2019:	Imran Aziz *vs.* Federation of Pakistan through its Secretary M/o Information Technology & Telecommunication (IT & Tele-com Division), Islamabad and others
C.P.L.A.2066/2019:	Asad Mehmood *vs.* Federation of Pakistan through its Secretary M/o Information Technology and Telecommunication, Islamabad & another
Crl.O.P.28/2018 in Crl.O.P.54/2015:	Naseem Ahmed Vohra *vs.* Hamid Farooq and others
Crl.O.P.56/2018 in C.P.L.A.1643/2014:	Ikramullah and others *vs.* Danial/Ritz, President/CEO, PTCL and others
Crl.O.P.84/2018 in C.P.L.A.1643/2014:	Sadiq Ali *vs.* Danial/Ritz, President/CEO, PTCL and others
Crl.O.P.144/2022 in C.P.L.A.568/2014:	Ejaz Ahmed Arshad *vs.* Aftab Mehmood and others
Crl.O.P.29/2023 in C.P.L.A.568/2014:	Muhammad Saleem Khan *vs.* Aftab Mehmood and others
Crl.M.A.139/2025 in Crl.O.P.56/2018:	Application for impleadment by Safeer Ahmad S/o Nazir Ahmad

For Appellant (s)/ Petitioner (s):	Mr. Shahid Anwar Bajwa, ASC Mr. Umer Abdullah, ASC

(in CA.1509 of 2021, CPLAs.412, 420, 424, 462 of 2019, 6005, 6006, 6023, 6087 to 6096, 6101 to 6106 of 2021, 2107, 2138 to 2147, 2197, 2199 to 2205 of 2022, 357-K of 2019)

Mr. Ahmed Pervaiz, ASC
(through video link from Lahore)
(in CPLA.461 of 2019)

Mr. Rashid Anwar, ASC
(through video link from Karachi)
(in CPLAs.463 of 2019, 6364, 6453 to 6456 of 2021, 2563 and 2564 of 2022)

Mr. Habib Ahmed Bhatti, ASC
(in CPLAs.506 of 2019, 6268 to 6273 of 2021)

Mr. Khalil-ur-Rehman Abbasi, ASC
(in CPLAs.6205, 6222 to 6225, 6255 of 2021, 6332, 6333, 6379, 6437, 6485, 139 to 145, 330, 368 to 371, 465 to 470 and 654 of 2022)

Mr. Farman Ullah, ASC
(in CPLA.140, 141 of 2022)

Mr. Zubair Hussain, ASC
(in CPLAs.6358 to 6363 of 2021)

Mr. Ishtiaq Ahmed Samsialvi, ASC
(in CPLAs.1919, 2066 of 2019, 6545, 6547 to 6550, 6553 to 6556 and 112 to 114 of 2022)

Mr. Abdul Rahim Bhatti, ASC
(in CP.6546 of 2021)

Ch. Mushtaq Hussain, ASC
(in CPLAs.30 & 118 of 2022 and Cr.Orig.P.144/2022)

Mr. Afnan Karim Kundi, ASC
(in CPLA.471 of 2022)

Mr. Sajeel Sheryar Swati, ASC
(through video link from Lahore)
(in CPLAs.134 and 135 of 2022)

Mr. Salman Akram Raja, ASC (on behalf of
Sardar Muhammad Latif Khan Khosa,
Sr. ASC)
Mr. Shahbaz Latif Khan Khosa, ASC
(in CPLAs.369 and 373 of 2018)

Mr. Khalid Javed Khan, ASC
(through vide link from Karachi)
(in CPLA.365-K of 2019)

Mr. Haider Waheed, ASC
(in CPLA.424-K of 2019)

Mr. Khalid Ismail, ASC
(in CPLAs.1919 and 2066 of 2019)

Mr. Muhammad Aurangzeb Khan, ASC
(in Cr.Orig.P.29 of 2023)

Sadiq Ali, In Person
(in CPLAs.603 of 2018 and Cr.Orig.P.84 of 2018)

Syed Hasnain Ali Raza, In person
(in CPLA.426-K of 2019)

Syed Saghir-uz-Zaman, In person
(through video link from Karachi)
(in CPLA.495-K of 2023)

Muhammad Kamal-ud-din, In person
(through video link from Karachi)
(in CPLA.496-K of 2023)

Naseem Ahmed Vohra, In person
(in Cr.Orig.P.28 of 2018)

Safeer Ahmed, In person
(in Cr.M.A.139 of 2025)

For Respondent (s): Mr. Muhammad Makhdoom Ali Khan,
Sr.ASC with Mr. Saad Mumtaz Hashmi, ASC
(in CPLA.6222 of 2021)

Mr. Ishtiaq Ahmed Samsialvi, ASC
Sh. Mahmood Ahmad, AOR
(in CA.1509 of 2021, CPLA.424 of 2019, 6005, 6023, 6029, 6088, 6094, 6095, 6101, 6104 to 6106, 6269, 6271, 6455, 6546 of 2021, 134 of 2022)

Mr. Salman Akram Raja, ASC
(in CPLAs.412 and 463 of 2019)

Mr. Khalid Ismail, ASC
(in CPLAs.420 to 423, 461 and 506 of 2019)

Ch. Naseer Ahmed Tahir, ASC
(in CPLA.6093 of 2021)

Mr. Ali Nawaz Khan, ASC
(in CPLAs.6223 to 6225, 6255, 6332, 6333, 6358 to 6363, 6379, 6437, 6485, 6545 to 6550, 6553 to 6556 of 2021, 30, 112 to 114 of 2022, 139 to 144, 329, 368 to 371, 465 to 471, 654 of 2022, Cr.O.P.144 of 2022, 29 of 2023)

Mr. Qasim Wadood, ASC
(in CPLA.118 of 2022)

Mr. Salahuddin Ahmed, ASC
(in CPLA.145 of 2022)

Ch. Mushtaq Hussain, ASC
(in CPLA.6087, 6102 of 2021)

Mr. Zubair Hussain, ASC
(in CPLAs.6088 and 6089, 6101, 6106, 6205, 6272 of 2021)

Mr. Nazir Ahmed Bhutta, ASC
(in CMA.11521 of 2023)

	Mr. Shahid Anwar Bajwa, ASC Mr. Umer Abdullah, ASC
	Mr. Rashid Anwar, ASC (through video link from Karachi) (on behalf of PTCL)
	Mr. Saleem Ullah Khan Ranazai, ASC (in CPLAs.2107, 2138, 2140, 2141, 2143, 2144, 2200, 2201, 2203, 2205, 2563 of 2022)
	Mr. Saad Shoaib Wyne, ASC (in CPLAs.426-K of 2019 and 496-K of 2023)
	Maulvi Anwar-ul-Haq, ASC Mr. Afzal Hussain, ASC
	Syed Shoa-un-Nabi, ASC (through video link from Karachi) (in CPLA.424-K of 2019)
	N.R. (in CPLA.462 of 2019)
For Applicant(s): (Impleadment)	Mr. Taufiq Asif, ASC (in CMA No.1470/2020 in CPLA No.463/2019)
	Sh. Mahmood Ahmad, AOR (in CMA No.7698/2022 in CPLA No.463/2019)
	Raja Zubair Hussain Jarral, ASC (in CMA Nos.1636/2022 and 1637/2022 in CPLA No.6005/2021, CMA Nos.1633/2022 and 810/2022 in CPLA No.6358/2021)
	Mr. Muhammad Ramzan Khan, ASC (CMA No.7515/2024 in CPLA No.6104/2021)
	Mr. Nazeer Ahmed Bhutta, ASC (In CMA No.11521/2023 in CPLA No.6379/2021)
For PTCL:	Mr. Salman Zafar, Group Vice President (Legal) Mr. Raheel Zafar, Group Director Ms. Zahida Awan, GCLO PTCL
For PTET:	Mr. Muhammad Farooq, General Manager Mr. Hafeez ur Rehman, Director Mr. M. Matee-ur-Rehman, Manager (Legal)
For Ministry of Information and Technology:	Mr. Sher Dil Khan, Legal Expert Barrister Dr. Mobeen Imran Shah, Director General (Legal)
Dates of Hearing:	19.03.2024, 29.04.2024, 14.05.2024, 15.05.2024 and 11.02.2025

JUDGMENT

AYESHA A. MALIK, J.- There are multiple judgments impugned before the Court, arising out of litigation before different High Courts, essentially on the same subject matter being the entitlement of the employees of the erstwhile Telegraph and Telephone Department (**T&T Department**) to receive the same pension and pensionary benefits accorded to civil servants, as notified by the federal government from time to time.

2. The Appellant/Petitioners before the Court are the Pakistan Telecommunication Company Limited (**PTCL**), the Pakistan Telecommunication Employees Trust (**PTET**) as well as retired employees of PTCL who seek the same pension and pensionary benefits as given to civil servants. The impugned judgments while considering the status of the former employees of the T&T Department either declared the employees of the erstwhile T&T Department as entitled to increase in pension in accordance with that notified by the federal government from time to time or else declared that these employees were employees of the PTCL and that pension and pensionary benefits are regulated by the statute and by the PTET meaning that the employees of the erstwhile T&T Department are not entitled to the same pension and pensionary benefits as civil servants.

3. The PTCL and PTET assert that former employees of the T&T Department are not civil servants and that the statutory protection given to these employees with reference to their terms and conditions of service was to protect their existing terms and conditions of service such that the terms and conditions offered by the Pakistan Telecommunication Corporation (**PTC**) and subsequently by the PTCL would not in any manner be less than what they were given at the time when they were employees of the T&T Department. This essentially means that the terms existing at the time were protected and not any future benefits. Furthermore, since they are not civil servants they are not entitled to any future enhancement in pay or pension or revision of pay scales at par with civil servants. They also argue that all T&T Department employees were not civil servants as some were workmen to whom the statutory protection relied upon did not apply. They have relied upon the *Masood Bhatti Review*[1] judgment which clarified and

[1] P.T.C.L. v. Masood Ahmed Bhatti (2016 SCMR 1362) (**Masood Bhatti Review**).

declared that transferred employees from the T&T Department to the PTC and then the PTCL ceased to be civil servants w.e.f 01.01.1991. Counsel for the PTCL and the PTET have stressed on the fact that the impugned judgments which have declared in favour of the Respondents by holding that they are entitled to pension and pensionary benefits as civil servants, are inconsistent with the *Masood Bhatti Review* judgment which is a five-member judgment and, therefore, will override the judgments relied upon being the *Muhammad Arif*[2] case and the *Riaz Ahmad*[3] case.

4. So far as the retired employees of PTCL who are Petitioners before the Court, they are aggrieved by the impugned judgments which have declared that they are not entitled to pension and pensionary benefits as notified by the federal government from time to time. Their case, as is the case of the Respondents who are defending the impugned judgements which have declared them entitled to the same pension as notified by the federal government from time to time, is that they were former employees of the T&T Department who were then transferred to the PTC and further transferred to the PTCL by operation of law such that their terms and conditions of service were specifically protected under the Pakistan Telecommunication Corporation Act, 1991 (**Act of 1991**) and the Pakistan Telecommunication (Re-organization Act), 1996 (**Act of 1996**). Consequently, they argue that their status as civil servant is protected by the law even if they are no longer civil servants and on account of this statutory protection, they are entitled to pension as well as pensionary benefits including medical allowance, orderly allowance, special additional pension, pension commutation and family pension as notified by the federal government from time to time. They state that even though PTET regulates the pension fund, they are obligated in terms of Section 45 of the Act of 1996 to ensure that these former employees of the T&T Department receive the increase in pensionary benefits as notified by the federal government from time to time. They have stressed on the fact that prior to 2011 they were receiving pension akin to that notified by the federal government which suddenly stopped in 2011. There are also retired employees who are specifically aggrieved by the impugned judgment dated 02.11.2021 by the Islamabad High Court (**IHC**) which has created categories within the employees of the T&T Department

[2] Pakistan Telecommunication Employees Trust (PTET) v. Muhammad Arif (2015 SCMR 1472) (**Muhammad Arif**).
[3] Pakistan Telecommunication Corporation v. Riaz Ahmad (PLD 1996 SC 222) (**Riaz Ahmad**).

whereby the impugned judgment has stated that only those employees of the T&T Department who were civil servants are given the statutory protection. These Petitioners state that there is no justification for the creation of different categories particularly that of workman, or those who opted for the Voluntary Separation Scheme (**VSS**) as the law makes no distinction, hence, all former T&T employees must be treated alike. These Petitioners also contend that the categories given in the impugned judgment dated 02.11.2021 are not based on the record or anything argued before the Court, hence, the distinction made is without basis or evidence. There is a third set of Petitioners who are also aggrieved by the impugned judgment dated 02.11.2021 wherein they sought allowances and benefits given to civil servants from time to time. The impugned judgement of 02.11.2021 has denied all allowances or benefits which did not exist at the time while they were employees of the T&T Department, following the cutoff date of 01.01.1991. They contend since they are former employees of the T&T Department and since their terms and conditions of service as civil servants is protected, they are entitled to all benefits and allowances even after 01.01.1991. The Petitioner in CPLA No.496-K of 2023 seeks costs of living allowance from PTET akin to that given by the federal government.

5. A sequential order of the impugned judgments is as follows:

A. **CPLA No.369 of 2018**,[4] impugned judgment dated 29.11.2017 by a Division Bench of the Peshawar High Court (**PHC**).

   Petitions were filed by employees of PTCL who sought revision in basic pay scales from 2011 as well as pension given to civil servants. CPLA No.603 of 2018 has been filed by the Pakistan Retired Employees Welfare Association (PREWA). They have all challenged the judgment of the PHC denying them relief. This is the first judgment from amongst the impugned judgments before the Court, which examined the status of the employees of PTCL and concluded that employees of PTCL who were earlier transferred from the T&T Department to the PTC and then to the PTCL are not civil servants, hence, are not entitled to any periodical increase in pension or pay as given to civil

[4] At Sr. No.5 of the Final Cause List 6 of 2025, dated 08.02.2025.

servants of the federal government. The court concluded that the PTCL never adopted the pensionary rates of the federal government and since they were employees of the company they were entitled to that which the company gave them.

B. **CPLA No.412 of 2019**,[5] impugned judgment dated 17.12.2018 by a Division Bench of the IHC.

In this case, the Respondents sought increase in pay, allowances and pension from 2010 onwards as announced by the federal government from time to time. They claimed that they were former employees of the T&T Department and were entitled to be treated as civil servants, hence, entitled to pay, allowances and pension as federal government employees. The IHC concluded while relying upon the *Muhammad Arif* judgment and the *Riaz Ahmad* judgment that the employees of the T&T Department were entitled to the same pensionary benefits as that of retired civil servants of the federal government. Now, the PTCL is before the Court challenging the impugned judgment.

C. **CPLA Nos.1919 of 2019 and 2066 of 2019**,[6] impugned judgment dated 20.02.2019 by a Division Bench of the High Court of Balochistan (**BHC**).

The petitioners before the BHC claimed that they were employees of the erstwhile T&T Department and thereafter as transferred employees of the PTC and then PTCL; their terms and conditions of service was protected by the statute such that they were entitled to the same promotion policy as that of civil servants. The BHC concluded that the petitioners were employees of the PTC and then the PTCL and therefore were not civil servants. However, since the terms and conditions of their service were protected under the Act of 1991 and the Act of 1996, these terms and conditions could not be varied to their disadvantage. With respect to the specific prayer of promotion as civil servants, the said prayer was dismissed on the ground that they had

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[5] At Sr. No.3 of the Final Cause List 6 of 2025, dated 08.02.2025.
[6] At Sr. No.9 of the Final Cause List 6 of 2025, dated 14.02.2025 to 08.02.2025.

to avail appropriate remedy under the law. Now, the employees have challenged the impugned judgment.

D. **CPLA Nos.357-K, 365-K and 426-K of 2019**,[7] impugned judgment dated 05.04.2019 by a Division Bench of the High Court of Sindh (**SHC**).

The Petitioners in CPLA No.357-K and 365-K of 2019 are PTCL and PTET. They are aggrieved by the impugned judgment of the SHC wherein the claim of the respondents being the widow of a deceased employee was remanded to the competent authority to decide her entitlement with respect to cost of living allowance and whether it is a pensionable emolument. The Petitioner PTCL is aggrieved by this judgment as the SHC has relied on the *Muhammad Arif* judgment and declared the respondent entitled to pensionary benefits akin to that of employees of the federal government as notified from time to time. In CPLA No.426-K of 2019, the petitioner before the SHC sought revised pensionary benefits given to the employees of the federal government on the ground that he is former employee of the T&T Department. In his case, the SHC concluded that he was not entitled to the relief sought as he had accepted the VSS and therefore was not entitled for any increase in cost of living allowance.

E. **CPLA No.424-K of 2019**,[8] impugned judgment dated 02.05.2019 by a Division Bench of the SHC.

The Petitioner being PTCL (in CPLA No.424-K of 2019) is aggrieved by the impugned judgment of the SHC wherein the respondents being former employees of the T&T Department were held entitled to the pension and pensionary benefits akin to that of civil servants of the federal government.

The Petitioners in **CPLA Nos.495-K and 496-K of 2023**, being retired employees of the PTCL, are aggrieved by the impugned order wherein the SHC vide short order dated 25.01.2023 adjourned the matters *sine die*. Their claim is

[7] At Sr. No.7 of the Final Cause List 6 of 2025, dated 14.02.2025 to 08.02.2025.
[8] At Sr. No.8 of the Final Cause List 6 of 2025, dated 08.02.2025.

that they are former employees of the T&T Department, hence, are entitled to be treated as civil servants for the purposes of pay and allowances as well as pension. They also referred to the Performance Management System (**PMS**), however, as such it has no bearing on the substantial question before the Court with reference to the status of the employees.

F. **CA No.1509 of 2021**,[9] impugned judgment dated 20.04.2021 by a Single Judge of the IHC.

Basic dispute in this case was disciplinary proceedings against the Respondents which led to major penalty of compulsory retirement from service vide order dated 05.03.2020. The IHC maintained that no interference was made out against the imposition of major penalty on the Respondents, however, with respect to their status and treatment as retired employees of the PTCL, the IHC concluded that they are employees of the PTCL and are entitled to retirement benefits guaranteed to the employees of PTCL.

G. **CPLA No.6005 of 2021**,[10] impugned judgment dated 02.11.2021 by a Division Bench of the IHC.

The impugned judgment arises out of ICAs filed by the PTET and the employees of the T&T Department wherein the PTET challenged the decision of the Single Judge dated 03.03.2020 granting pensionary benefits akin to that notified by the federal government. The ICAs have maintained the judgment of the Single Judge dated 03.03.2020 holding therein that former employees of the T&T Department are entitled to pensionary benefits as civil servants.

H. **CPLA No.2107 of 2022**,[11] impugned judgment dated 26.04.2022 by a Division Bench of the PHC.

The Respondents in these cases sought increase in pay, pension and revised pay scale identical to the employees

[9] At Sr. No.2 of the Final Cause List 6 of 2025, dated 08.02.2025.
[10] At Sr. No.4 of the Final Cause List 6 of 2025, dated 08.02.2025.
[11] At Sr. No.6 of the Final Cause List 6 of 2025, dated 08.02.2025.

> and pensioners of the federal government w.e.f 2005 along with markup at the rates notified by the KIBOR. They also sought a direction to release the commuted portion of their pension. The PHC declared that the Petitioners were civil servants, entitled to the same terms and conditions as civil servants of the federal government. Meaning thereby, they are entitled to pensionary benefits as given to employees of the federal government.

6. From the above description of the impugned judgments it transpires that most of the impugned judgments except for the judgments of the PHC dated 29.11.2017 and BHC dated 20.02.2019 have declared that former employees of the T&T Department, who were holding the status of civil servants, are entitled to pension and pensionary benefits as notified by the federal government from time to time. However, the impugned judgment of the IHC dated 02.11.2021 further classified former employees of the T&T Department by holding that only those employees of the T&T Department who were civil servants at the time, are entitled to pension and pensionary benefits as notified by the federal government; those employees who were workers or who had accepted a VSS are not entitled to any increase in pension or pensionary benefits as notified by the federal government from time to time. This impugned judgment also clarified that so far as allowances and other benefits are concerned those employees of the T&T Department who were transferred to the PTC and then the PTCL are only entitled to such allowances and benefits which existed at the time of their transfer.

7. By way of background, the T&T Department was functioning as a department of the federal government maintaining and operating telecommunications and its employees were governed under the Telegraphs Act, 1885 and were civil servants. The Pakistan Telecommunication Corporation Ordinance, 1990 was promulgated and re-promulgated in 1991 followed by the enactment of the Act of 1991. The Act of 1991 established the Pakistan Telecommunication Corporation (**PTC**)[12] to maintain and operate telecommunication system. By virtue of Section 9 of the Act of 1991, employees of the erstwhile T&T Department were transferred to the PTC and became

[12] By virtue of Section 3 of the Pakistan Telecommunication Corporation Act, 1991.

employees of the PTC. Subsequently, the Pakistan Telecommunication (Re-Organization) Ordinance, 1994 was promulgated on 13.07.1994 which repealed the Act of 1991 and this Ordinance of 1994 was ultimately repealed on 13.10.1996 by the Act of 1996, notified on 17.10.1996. The Act of 1996 provided for the transfer of employees of the PTC to different authorities including the PTCL. Section 44 of the Act of 1996 required the establishment of a trust to be called the PTET which body corporate essentially took over the pension fund created by the trust deed dated 02.04.1994. In terms of the Act of 1996 pensionary matters for all eligible telecommunication employees vested with the PTET.

8. A dispute arose for the first time in 2010 when the Finance Division, Government of Pakistan issued Office Memorandum dated 05.07.2010 in respect of monthly pension and medical allowance of civil servants of the federal government as well as retired armed forces personnel wherein a 20% increase to the pension was sanctioned to those who retired before 01.12.2001 and 15% increase to those who retired after 01.12.2001. The PTET decided in a meeting held on 15.01.2011 that pension shall be increased for the employees of PTCL by 20% for those who retired before 01.01.1996 and by 8% for those who retired from 01.01.1996. This decision was challenged by retired employees of T&T Department who sought the same increases in pension as that given by the Office Memorandum of the federal government. There is a long history of litigation wherein the former employees of T&T Department sought the benefit of the revision of basic pay scales along with pensionary scales as that allowed to civil servants of the federal government which ultimately led to three significant judgments from this Court being the *Masood Ahmed Bhatti* case[13], the *Muhammad Arif* case and finally the *Masood Bhatti Review* case (five members judgment) which came on 19.02.2016.

9. The relevant statutory provisions with regard to the status and transfer of employees from the T&T Department are enumerated in Sections 2 and Section 9 of the Act of 1991. Section 2(e) of the Act of 1991 defines the term "Departmental Employees" as under:

> (a) "Departmental employees" means employees belonging to Pakistan Telegraph and Telephone Department and includes employees of the said Department who may, for the time being, be serving in other originations, but does

[13] Masood Ahmed Bhatti v. Federation of Pakistan (2012 SCMR 152) (**Masood Bhatti**).

> not include members of the accounts group or secretariate group or other employees of external organizations who may be serving in the said Department."

Section 9 of the Act of 1991 deals with transfer of Departmental Employees, which reads as follows:

> "**Transfer of departmental employees to the Corporation**.--(1) Notwithstanding anything contained in any law, contract or agreement, or in the conditions of services, all departmental employees shall, on the establishment of the Corporation, stand transferred to, and become employees of the Corporation, on the same terms and conditions to which they were entitled immediately before such transfer, provided that the Corporation shall be competent to take disciplinary action against any such employee.
>
> **(Emphasis added)**
>
> (2) The terms and conditions of service of any such person as is referred to in sub-section (1) shall not be varied by the Corporation to his disadvantages.
>
> **(Emphasis added)**
>
> (3) Notwithstanding anything contained in any law for time being in force, no person who stands transferred to the Corporation by virtue of sub-section (1) shall be entitled to any compensation before of such transfer."

In terms of these provisions, all employees of the T&T Department stood transferred to the PTC on the same terms and conditions to which they were entitled as employees of the T&T Department and further that these terms and conditions of service could not be changed by the PTC to their disadvantage. Importantly, by virtue of Section 8 of the Act of 1991, the PTC could employ officers and servants and appoint such experts or consultants, as it may consider necessary for the performance of its functions on such terms and conditions as it may deem fit. This meant that the PTC had in its employment transferred employees from the T&T Department as well as those it recruited for the first time in the PTC. Furthermore, in terms of Section 8 of the Act of 1991 the PTC had to prescribe regulations for the appointment of all its employees and also to set the terms and conditions of their service. Section 9 read with Section 8 of the Act of 1991 prescribed that all *departmental employees* shall on the establishment of the PTC, stand transferred to, and become employees of the PTC, on the same terms and conditions to which they were entitled immediately before such transfer, meaning thereby that the former employees of the T&T Department became the employees of the PTC on the same terms and conditions by virtue of Section 9 of the Act of 1991. The term *departmental employees* is defined in Section 2(e) of

the Act of 1991 to mean all employees belonging to the T&T Department and does not include employees belonging to other organizations or departments.

10. The other relevant provisions are enumerated in Sections 35 and 36 of the Act of 1996. Section 35 of the Act of 1996 reads as under:

> "**Vesting of the rights, property and liabilities of the Corporation.**--(1), The Federal Government may, by orders, direct that all or any property, rights and liabilities to which the Corporation was entitled or subject to immediately before such orders, and identified therein, shall, on such terms and conditions as the Federal Government may determine, vest in--
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> (a) the Company;
> (b) the National Telecommunications;
> (c) the Authority;
> (d) the Trust; or
> (e) the Board through Federal Government,
>
> and become the property, rights and liabilities of the respective entity.
>
> (2) An order issued under sub-section (1) shall specify the employees of the Corporation who shall, as from the effective date of the order, be transferred to and become employees of the entity referred to in the order:
>
> Provided that such order shall not vary the terms and conditions of service of such employee to their disadvantage.
>
> (**Emphasis added**)

Section 36 of the Act of 1996 reads as under:

> "**Terms and conditions of service of employees**.--(1) No person transferred to the Company pursuant to sub-section (2) of section 35, hereinafter referred to as "Transferred Employee", shall be entitled to any compensation as a consequence of transfer to the company:
>
> Provided that the Federal Government shall guarantee the existing terms and conditions of service and rights, including pensionary benefits of the Transferred Employees.
>
> (2) Subject to sub-section (3), the terms and conditions of service of any Transferred Employee shall not be altered adversely by the Company except in accordance with the laws of Pakistan or with the consent of the Transferred Employees and the award of appropriate compensation.
>
> (**Emphasis added**)
>
> (3) At any time within one year from the effective date of order vesting property of the Corporation in the Company, the Federal Government may, with the prior written agreement of a Transferred Employee, require him to be transferred to or revert him back and be employed by the Authority, National Telecommunication Corporation, Trust or the Federal Government on same terms and conditions to which he was entitled immediately before such transfer.

> (4) Subject to proviso to sub-section (1) of section 45 on transfer of a Transferred Employee under sub-section (3), the Federal Government shall assume responsibility for his pensionary benefits without recourse to the Pension Fund referred to in that section.
>
> (5) Under the order vesting property of the Corporation in the Company, the Federal Government shall require the Company to assume the responsibility of pensionary benefits of the telecommunication employees and the Company shall not alter such pensionary benefits without the consent of the individuals concerned and the award of appropriate compensation."

By virtue of these sections, employees of the PTC were transferred to the PTCL and again their terms and conditions of service including pensionary rights were protected such that Section 36 of the Act of 1996 guaranteed that they would maintain their *existing* terms and conditions of service and pensionary benefits which terms and conditions and pensionary benefits could not be adversely altered except in accordance with the laws of Pakistan or with their consent. Essentially, the original employees of the erstwhile T&T Department when transferred to the PTC, were ensured that their existing terms and conditions of service were protected and eventually when the employees of the PTC were transferred to the PTCL they were ensured that their existing terms and conditions would not change to their prejudice that is nothing averse to their existing terms and conditions.

11. These provisions became the subject of continuous litigation and were interpreted by the courts from time to time. In the case of *Riaz Ahmad,* the PTC approached this Court against a judgment of a Division Bench of the Lahore High Court wherein the status of the employees of the erstwhile T&T Department was an issue. This Court concluded that the respondents being employees of the erstwhile T&T Department were civil servants within the meaning of Civil Servants Act, 1973 (**Act of 1973**). As this case pertained to the promotion of the respondents, the only issue relevant for the purpose of these cases before the Court is the fact that in the *Riaz Ahmad* case, this Court concluded that the transfer of employees to the PTC did not change the status of the former employees of the T&T Department who would for all intents and purposes be considered as civil servants.

12. In the *Muhammad Shahid*[14] case, the respondents were from the erstwhile T&T Department whose services were terminated in 1995 by

[14] Divisional Engineer Phones v. Muhammad Shahid (1999 SCMR 1526) (**Muhammad Shahid**).

the PTC. They contested their termination whereby the Service Tribunal reinstated them with all back benefits. The petitioners before the court being the PTC/PTCL argued that former T&T Department employees were employees of the PTCL who did not retain their status of a civil servant. However, the Supreme Court while interpreting Section 9 of the Act of 1991 held that the transfer of employees to the PTC will be on the same terms and conditions under which they were working with the T&T Department and that subsequent to the transfer, they continue to be civil servants. This case clarified that its application was only with reference to former employees of the T&T Department as the Court specifically stated that *all other employees who were appointed by the Corporation after the date of its inception, shall be employees of the Corporation and their services will be governed in accordance with the terms and conditions of their appointment.* In this way, the *Muhammad Shahid* judgment clarified that the status of civil servant and the benefits sought in relation thereto is limited for those employees who were previously employed by the T&T Department. Then comes a shift in the view taken by the Supreme Court. In the *Masood Bhatti* judgment, delivered on 11.08.2011, the issue once again before this Court was whether the employees of the erstwhile T&T Department who are now employees of the PTCL were governed by statutory rules and whether they were entitled to invoke the jurisdiction of the High Court under Article 199 of the Constitution.[15] The underlying issue was whether these employees were to be treated as per the rules and regulations of the PTCL or whether they continue to enjoy the status of being a civil servant as employees of the erstwhile T&T Department. This Court on interpreting Section 9 of the Act of 1991 concluded that the employees of the erstwhile T&T Department who became employees of the PTC were governed by the Act of 1991 and any statutory rules made thereunder. Subsequently, when they were transferred to the PTCL by virtue of Section 36 of the Act of 1996 their terms and conditions of service remained protected by way of the Act of 1996, and any rules made thereunder. While interpreting Section 2(t) read with Section 35 of the Act of 1996, this Court concluded that the transition of these employees from the T&T Department to the PTC and then to the PTCL were given statutory protection, such that neither the PTC nor the PTCL could vary the terms and conditions of their service to their disadvantage, meaning

[15] The Constitution of the Islamic Republic of Pakistan, 1973 (**Constitution**).

thereby that it could not be varied from the original terms and conditions offered by the federal government at the time when they were employees of the T&T Department. The reasoning given by this Court was that the statutory guarantee with respect to the terms and conditions of service was akin to a guarantee given by the federal government to those employees who were transferred from the T&T Department to the PTC and then to PTCL to ensure that their terms and conditions of service with the PTC or PTCL would be nothing less than what they were getting as T&T Department employees so as to protect their interest despite the transfer. Consequently, the statutory guarantee was an impediment on the employer PTCL to change the existing terms and conditions of service to the disadvantage of the employees of the erstwhile T&T Department. Furthermore, this protection was only for T&T Department employees and not for those who directly joined the PTCL after 01.01.1996. However fundamental to the decision was the finding that these employees were employees of the PTCL as this Court concluded that *the guarantee does not change the nature and status of PTCL as the principal obligant under the law to adhere to the protected terms and conditions of service of transferred employees. The only effect of the guarantee is to ensure that in the event that PTCL is incapable of fulfilling its obligation as to pensionary and other benefits for reasons such as bankruptcy, the employees do not suffer from such event of default. It is important at this point to draw distinction between employees who stood transferred to PTCL by virtue of section 35 of the Act of 1996 and those employees who joined PTCL after 1.1.1996. The statutory protection is available to the transferred employees and not to those who joined PTCL after 01.01.1996.* Consequently, this Court in the *Masood Bhatti* judgment declared the status of the transferred employees of the T&T Department as being employees of the PTCL, with a statutory protection of their terms and conditions of service.

13. This issue once again came before this Court in the *Muhammad Arif* judgment whereby the PTET approached the Supreme Court against the judgments of the IHC and PHC wherein through the impugned judgments the employees of the erstwhile T&T Department who sought pension as increased by the federal government from time to time was decided in their favour. The PTET along with the PTCL once again reiterated their stance that employees of the erstwhile T&T Department were now employees of the PTCL governed by their

statutory rules and that the protection given to their terms and conditions of service was to the extent that the terms and conditions offered by the PTCL would not prejudice the *existing terms and conditions* of employees of the erstwhile T&T Department. This Court while interpreting the Act of 1991 as well as the Act of 1996 concluded that the employees of the erstwhile T&T Department were in effect employees of the federal government and the pension notified by the federal government from time to time would be applicable to them despite their transfer to the PTC and then to the PTCL. Therefore, any increases in the pension by the federal government, the same will also apply to these employees of the erstwhile T&T Department. In this context, this Court interpreted Section 46(1)(d) of the Act of 1996 where the Board of Trustees of the PTET is to make provisions for the payment of pension to telecommunication employees *to the extent of their entitlement*, such that the term *to the extent of their entitlement* means that these employees of the erstwhile T&T Department would be treated differently from the employees of the PTCL where pension is concerned and would be entitled to the same pension as civil servants. This judgment was reconsidered in review,[16] however, disposed of as the issue raised by the PTCL was considered factual, being that those who had availed the VSS or were employees of the PTCL were not entitled to the treatment being given to employees of the T&T Department. This Court, therefore, allowed the PTCL to raise the ground of fraud and misrepresentation before the High Court in application under Section 12(2) of the Code of Civil Procedure, 1908 as it was PTCL's case that the petitioners had misrepresented themselves before the court.

14. During the pendency of the *Muhammad Arif* case, the *Masood Bhatti Review* case was being heard and was finally decided on 19.02.2016, after the *Muhammad Arif* case (which was decided on 12.06.2015). In the *Masood Bhatti Review* judgment, five Judges of this Court decided that Section 9 of the Act of 1991 and Section 35 of the Act of 1996 ensured that the terms and conditions of service of former employees of the T&T Department could not be varied or changed to their disadvantage as a statutory guarantee was given under these provisions to these employees. However, they were no longer civil servants as they became employees of the PTC and then employees of

[16] CRP No.454 of 2015.

the PTCL. In this regard, the *Masood Bhatti Review* judgment very clearly states that there is a statutory guarantee protecting the existing terms and conditions of the former employees of the T&T Department, however, they do not retain their status of a civil servant. It is noted that in the same judgment, the reference to the terms and conditions of service provided in Sections 3 to 22 of the Act of 1973 are merely emphasizing on the point of it being that the terms and conditions provided under these provisions of the Act of 1973 are given statutory protection under the Act of 1991 and the Act of 1996, however, the judgment very clearly states that "*retention of their status as civil servants is not supported by the words used in the provisions of the Act of 1991 and the Act of 1996"*. *Masood Bhatti Review* judgment dealt with the status of employees of the T&T Department as civil servants and their terms and conditions in the light of provisions of the Act of 1973 as under:

> "A fleeting glance at the provisions quoted above would reveal that the departmental employees on their transfer to the Corporation became employees of the Corporation under section 9 of the Act of 1991 and then of the Company under section 35 of the Act of 1996. Their terms and conditions of service were fully protected under section 9(2) of the Act of 1991 and 35(2) of the Act of 1996. None of the terms and conditions could be varied to their disadvantage as is provided by the sections reproduced above. Not only that the legislature also bound the Federal Government to guarantee the existing terms and conditions of service and rights including pensionary benefits of the transferred employees. Since they by virtue of the aforesaid provisions became employees of the Corporation in the first instance and then the Company, they did not remain Civil Servants any more. **But the terms and conditions of their service provided by sections 3 to 22 of the Civil Servants Act and protected by section 9(2) of the Act of 1991 and sections 35(2), 36(a) and (b) of the Act of 1996 are essentially statutory**. Violation of any of them would thus be amenable to the constitutional jurisdiction of the High Court. Though in the cases of *Pakistan Telecommunication Corporation and another v. Riaz Ahmed and 6 others* and *Divisional Engineer Phones, Phones Division, Sukkur and another v. Muhammad Shahid and others (supra)* it was held that the departmental employees on their transfer to the Corporation and then to the Company would continue to be the Civil Servants, but this interpretation does not appear to be correct as they on their transfer became employees of the Corporation under section 9 of the Act of 1991 and then of the Company under section 35 of the Act of 1996. **Retention of their status as civil servants is thus not supported by the words used in the aforesaid provisions**."
>
> (**Emphasis added**)

In the context of the aforesaid, this five-member bench concluded that the *Muhammad Shahid* case and the *Riaz Ahmad* case were incorrect in holding that former employees of the T&T Department retain their status as civil servants. This Court concluded that upon their transfer,

these employees of the erstwhile T&T Department became employees of the PTC and then employees of the PTCL and further that the terms and conditions of their service could not be varied to their disadvantage as the federal government had guaranteed by way of the law that they would get the existing terms and conditions of their services as transferred employees. Accordingly, as they were employees of the PTC or the PTCL, they had lost their status of being civil servants yet their existing terms and conditions of service were protected. Furthermore, the employees of PTCL could approach the High Court under Article 199 of the Constitution, hence, the dispute of the employees of PTCL could be decided by the High Court as the principle of master and servant was not applicable to these employees since their terms and conditions of service were governed by the statute and statutory rules.

15. In this context, the *Masood Bhatti Review* judgment settled the dispute with reference to the status of the former employees of the T&T Department, being employees of the PTCL, and accordingly, they do not retain their status of being civil servants. This judgment being that of a larger bench is now the final authoritative pronouncement on this subject and has effectively overruled the *Muhammad Arif* judgment. So the basic question before the Court is what is the entitlement of these former employees of the T&T Department whose terms and conditions were given statutory protection with respect to pay and allowances, pension and pensionary benefits. In order to answer this question, while recognizing that the law was settled in the *Masood Bhatti Review* case with respect to the status of these employees transferred from the erstwhile T&T Department, it will be beneficial to examine the Act of 1991 and the Act of 1996.

16. Under Section 9(1) of the Act of 1991 the employees of the T&T Department who stood transferred to the PTC became employees of the PTC on the same terms and conditions to which they were entitled immediately before their transfer. Section 9(2) of the Act of 1991 provides that these terms and conditions of service cannot be varied by the PTC to the disadvantage of a transferred employee. This meant that the transferred employees from the T&T Department became employees of the PTC and that the PTC was bound to offer them terms and conditions of service equal to their *existing* terms and conditions of service at the time of transfer. Section 9(2) of the Act of 1991 guaranteed that the transfer would not adversely affect the employees

of the T&T Department to the extent of their terms and conditions of service. Meaning thereby that their existing terms and conditions of service were guaranteed at the time of transfer. A reading of Section 9 of the Act of 1991 makes clear that it was the *existing terms and conditions* of service which were protected and guaranteed to the employees of the erstwhile T&T department who were transferred to the PTC. These employees of the PTC were then transferred to the PTCL under Sections 35 and 36 of the Act of 1996. Section 35(2) of the Act of 1996 provides that the transferred employees shall become employees of the PTCL on the date of their transfer. With respect to terms and conditions of service once again a statutory guarantee was provided in the *proviso* to Section 36(1) of the Act of 1996 that the transferred employees would get their *existing* terms and conditions of service including pensionary benefits from the PTCL. The guarantee further ensured under Subsection 2 of Section 36 of the Act of 1996 that the terms and conditions could not be altered adversely except with the consent of the transferred employee or in accordance with the laws of Pakistan. Accordingly, the status of the former employees of the T&T Department who were transferred to the PTC and then the PTCL, was confirmed by the Act of 1996 such that they become employees of the PTCL, which meant that they were to be governed by the rules and regulations pertaining to their service, as made and enforced by the PTCL. A bare reading of the Act of 1991 and the Act of 1996 makes it clear that there is no continuous enjoyment of pensionary rights or any other term and condition as civil servants of the transferred employees, who on transfer to PTCL lost their status as civil servants and all benefits related thereto. The laws simply prohibit variations to *existing* terms and conditions and does not provide any statutory guarantee for any of the terms and conditions of civil servants to continue while they are working with PTCL, a public company.

17. Furthermore, Section 36(5) of the Act of 1996 provides that the federal government shall require the PTCL to assume responsibility of the pensionary benefits of these transferred employees which benefits shall not be altered without the consent of the individuals. Section 36(4) of the Act of 1996 provided that the federal government shall assume responsibility of pensionary benefits without recourse to the Pension Fund. A collective reading of Section 36 of the Act of 1996 makes it clear that the transferred employees from the T&T

Department who became employees of the PTCL to the extent of their terms and conditions of service they would not be offered anything less than what they were given by the T&T Department and so far as pensionary benefits are concerned while the PTCL was now responsible for their pensionary benefits, it had to ensure that these benefits would not be anything less than what they were offered by the T&T Department. What is clear from reading Section 36 of the Act of 1996 is that it protected *existing* terms and conditions of service and the *existing* pensionary benefits at the time of transfer. PTCL was made responsible for making pensionary payments through the Pension Fund set up under Section 45 of the Act of 1996. The PTET was established by virtue of Section 44 of the Act of 1996 and by virtue of a federal government notification all the assets of the Pakistan Telecommunication Corporation Employees' Pension Fund as created by the Trust Deed dated 02.04.1994 was transferred to the Pension Fund. Section 46(d) of the Act of 1996 provides for the functions and powers of the trust to include making provision for the payment of pension to telecommunication employees to the extent of their entitlement. This means that it is the PTET that will decide on the entitlement of pension for the employees of PTCL. To conclude that there is a continuous statutory enforceability of pensionary rights after the transfer of former T&T employees to PTCL is totally against the provisions of the law which does not contemplate that PTET is to maintain former T&T employees as civil servants for the purposes of pension.

18. The dispute before the Court with respect to pay and allowances, pension and pensionary benefits is based on a statutory interpretation of the Act of 1991 and the Act of 1996. While the *Masood Bhatti Review* judgment clarified that former employees of the T&T Department were not civil servants after their transfer to PTC and PTCL, the problem arises with the *Muhammad Arif* judgment which concluded that these employees are in fact civil servants, entitled to pensionary benefits notified by the federal government from time to time. In this context, the *Masood Bhatti Review* judgment being a judgment of a larger bench[17] prevails in that these employees are not civil servants and are employees of the PTCL. Hence, the argument that Section 3 of the Act of 1973 is applicable to the transferred employees is without basis as

[17] The larger bench was of 5 judges.

these employees are employees of the PTCL nothing more and nothing less. It is noted that the *Masood Bhatti Review* judgment itself clarifies this while holding that the transferred employees were given statutory protection under the Act of 1991 and the Act of 1996 such that the terms and conditions provided under Sections 3 to 22 of the Act of 1973 were protected, but the retention of their status as civil servants is not supported by the words of the provisions of the Act of 1991 or the Act of 1996. Accordingly, the question now is whether these employees of the PTCL are entitled to pay and allowances, pension and pensionary benefits as notified by the federal government from time to time, given that Section 36 of the Act of 1996 protected the existing pensionary benefits of these former employees of the T&T Department.

19. With the law being settled in the *Masood Bhatti Review* judgment that former employees of the T&T Department are not civil servants and do not retain their status of civil servants on their transfer, consequently they are no longer entitled to seek pay and allowances, pension or pensionary benefits akin to that of civil servants. They are now employees of the PTCL and are governed by the Rules[18] framed by the PTCL and the PTET with respect to terms and conditions of service and pension and pensionary benefits. As most of the Petitioners and Respondents are retired employees of the PTCL, I have given due consideration to the issue of pension. The argument that they are entitled to pensionary benefits as civil servants is premised on two grounds; the first was that they retain the status of civil servant which ground the *Masood Bhatti Review* judgment has settled and the second is the interpretation of the Act of 1996. Hence, I proceed to examine the Act of 1991 and the Act of 1996. Section 9 of the Act of 1991 and Sections 35 and 36 of the Act of 1996 protected the *existing* terms and conditions of service of these employees, being the terms existing at the time of transfer and did not guarantee that the terms and conditions as civil servants would then continue as if they were still civil servants. Similarly, Section 36 of the Act of 1996 while protecting *existing* pensionary rights ensured that PTCL would not offer these transferred employees anything less than what they were entitled to at the time of transfer, however, it did not contain any guarantee for future benefits or pension as civil servants. The purpose of the statutory guarantee and protection under the Act of 1991 and

[18] The Pakistan Telecommunication Employees Trust Fund (Pension) Rules, 2012 (**Rules**).

the Act of 1996 was to ensure that the employees of the T&T Department would not be adversely affected by their transfer to the PTC and the PTCL such that whatever they were entitled to as civil servants at the time, the PTC or the PTCL, as the case may be, would ensure that they would be entitled to the same on becoming their employees.

20. A statutory guarantee in employment law protects the employees with reference to the benefits they are entitled to so as to ensure fair treatment by making the terms and conditions non-negotiable. Consequently, the starting point for these transferred employees was that at the time of transfer they were entitled to the same terms and conditions as they received as employees of the T&T Department. Thereafter, they became employees of the PTCL and are governed by the Act of 1996 along with the relevant Rules. Importantly, the Act of 1996 creates a Pension Fund whereby the funds from the original trust deed of 1994 were transferred to the Pension Fund which is responsible for the pension of the employees of PTCL. Section 45(2) of the Act of 1996 clearly provides that PTCL shall contribute to the Pension Fund amounts determined by the Actuary and that all pension liability shall be assumed by the PTCL from the effective date specified in the order made for transfer. Section 46(d) only clarifies that the employees of the PTCL will receive pension payment as per their entitlement. This provision is not specifically for transferred employees meaning specifically for the former employees of the T&T Department as the purpose of this provision is simply to ensure that PTCL employees will be paid pension in accordance with what they are entitled to under the Rules and as per the Pension Fund. Consequently, the former employees of the T&T Department being employees of the PTCL are entitled to their pension as per the rules and regulations specified by PTET in this regard.

21. I am of the opinion that reliance on the *Muhammad Arif* judgment is misguided on two counts; firstly, the premise of that judgment is that the former employees of the T&T Department retain their status as civil servants hence are entitled to pensionary benefits as civil servants; secondly, while interpreting Section 46(d) of the Act of 1996, the *Muhammad Arif* judgment interpreted *entitlement to pension* in the context of these employees being civil servants thereby interpreted the provision to mean that they are entitled to pension as

civil servants. In this context, it is once again reiterated the fact that the *Masood Bhatti Review* judgment settled the law on the subject of the status of these employees which means that the basic premise of the *Muhammad Arif* judgment cannot be relied upon as it has been overruled by the *Masood Bhatti Review* judgment. Consequently, if these former employees of the T&T Department are no longer civil servants and are simply employees of the PTCL, their claim for pension and pensionary benefits akin to that of civil servants is without basis. The PTET is a Pension Fund whereby pensionary benefits are paid by the Fund which cannot be made responsible or liable to pay pension in terms of the rates notified by the federal government from time to time. The PTET Board of Trustees decide upon annual increases in pensionary benefits and it is only upon their decision to adopt government rates of pension can those rates be made applicable. This was the situation prior to 2011 when the PTET Board of Trustees took a conscious decision to accept the pensionary rates notified by the federal government, however, vide letter dated 11.08.2010 the PTET Board of Trustees decided that they would no longer adopt the increases made by the federal government. Subsequently, in its meeting dated 15.01.2011 the Board of Trustees decided the rate of increase in pension for the employees of PTCL. This in fact became the point when the dispute arose as several retired employees of the PTCL who were transferred from the T&T Department raised their claim for pension as per the notified rates of the federal government. These former employees of the T&T Department were given a statutory protection protecting their existing terms and conditions of service. They took this to mean that they are civil servants and will retain their status of civil servants even though they are employees of the PTCL. This even otherwise is against the settled law on the issue of the status of employees of companies working as instrumentalities of the government which is that such employees are not government servants and are entitled to the terms and conditions of service and pension as offered by the company.[19] Consequently, the argument that the employees of the erstwhile T&T Department are entitled to pay and allowances, pension and pensionary benefits as civil servants is without any legal basis.

[19] Lt. Col. Shujauddin Ahmed v. Oil & Gas Development Corporation (1971 SCMR 566), Muhammad Naeem v. Federation of Pakistan (2023 SCMR 301).

22. Another issue raised by the PTCL and PTET is the status of some of the employees of the erstwhile T&T Department who were not civil servants at that time, being employed as workmen, who when transferred to PTC/PTCL and did not enjoy the statutory protection under the Act of 1991 and the Act of 1996. The argument being that these employees even today are workmen as their status was not that of civil servants. In this regard, the impugned judgment dated 02.11.2021[20] by a Division Bench of the IHC has created several categories to distinguish employees of the erstwhile T&T Department who were civil servants from those who were not civil servants, being workmen, and those who were employed after the enactment of the Act of 1991. The basis of the distinction is the argument that only those employees of the T&T Department who were civil servants are entitled to the statutory protection under the Act of 1991 and the Act of 1996 and all other employees are not entitled to any statutory protection and are to be treated as employees of the PTCL. There are serval retired employees before the Court who are also aggrieved by this judgment for the categories it has created. As for the PTET they are primarily aggrieved by the finding that some of these transferred employees are civil servants. Their argument is that the *Masood Bhatti Review* judgment shall prevail such that all transferred employees w.e.f 01.01.1991 no longer retain their status of being civil servants. However, they add that those employees who were employed in the first instance as workmen or on contract have to be distinguished from the transferred employees of the erstwhile T&T Department who were civil servants. Having considered these arguments I am not impressed with the contentions raised with reference to the categories such as workmen or otherwise, given that Section 9 of the Act of 1991 specifically states that *all transferred employees* become employees of the PTC and thereafter under Section 35 of the Act of 1996 all employees of the PTC become employees of the PTCL. By way of these statutes, the status of these employees was determined on the basis of their being employees of the erstwhile T&T Department. Section 9 of the Act of 1991 specifically provides *all departmental employees* stand transferred to and become employees of the PTC and Section 35 of the Act of 1996 specifically provides that by way of order issued under Section 35(1) of the Act of 1996 all employees transferred to the PTC become employees of the PTCL. Both the above mentioned sections do

[20] At Sr. No.4 CPLA No.6005 of 2021 and others.

not create any distinction within the departmental employees transferred from the T&T Department to the PTC and then from the PTC to the PTCL. Accordingly, I am of the opinion that this distinction with reference to the status of the employees for the purposes of the issue before the Court, being whether the employees of the erstwhile T&T Department retain their status of civil servants, is not relevant as they are all employees of the PTCL. As to the statutory protection given under the Act of 1991 and the Act of 1996 that was with reference to existing terms and conditions of service for all transferred employees. So far as the entitlement of these employees for pension, in terms of Section 46(1)(d) of the Act of 1996, the PTET will grant pensionary benefits to all eligible employees of the PTCL in terms of their entitlement which means that if an employee is entitled to pensionary benefits, they will be granted so. Therefore, the distinction drawn in the impugned judgment dated 02.11.2021 appears to be without basis and of no avail.

23. It is also noted that there are other arguments raised with respect to the point of limitation, the conduct of the Respondents, in that, some may not be even employees of the PTCL and with respect to allowances such as medical and cost of living which were also sought from PTCL. It is again reiterated given that all transferred employees from the erstwhile T&T Department became employees of the PTC and then employees of the PTCL, they are entitled to that which the PTCL offers to its employees and are not entitled to any benefit, pensionary increase or otherwise offered by the federal government. Hence, the outcome is that all matters relating to terms and conditions of PTCL employees will be decided as per the rules and regulations related thereto. As to the point of limitation since there are a large number of Petitions wherein essentially the question is the same with respect to the status of the employees of the erstwhile T&T Department and given that this issue has been in continuous litigation over the last 15 years, I am not inclined to consider the issue of limitation in order to resolve the issue with some finality.

24. With respect to the Petitions titled at Serial No.7 of the Final Cause List No.6 of 2025 dated 08.02.2025, the Respondent in Civil Petition Nos.357-K and 365-K of 2019 filed a constitution petition before the SHC seeking pensionary benefits and cost of living allowance

as notified by the federal government.[21] The impugned judgment dated 05.04.2019 by the SHC is premised on the basis that the employees of the erstwhile T&T Department are civil servants, hence, entitled to cost of living allowance at the rate notified by the federal government. I find that even though the impugned judgment remands the matter to the competent authority to decide on the inclusion of the cost of living allowance at the rate of 7%, the entire premise is incorrect, as the Respondent's husband was an employee of PTCL, hence, not entitled to the same pensionary benefits as civil servants and, therefore, is not entitled to cost of living allowance as that of civil servants. Furthermore, he availed the VSS and retired in 1998 bringing his right to claim any further adjustment in pension to a close.[22] As to the Civil Petition No.426-K of 2019 the Petitioner seeks the same relief as well as other pensionary benefits as the Respondent in Civil Petition No.357-K of 2019 which she is not entitled to for the aforementioned reasons.

25. In view of the aforesaid, it is decided as follows:

i. CPLA Nos.369, 373 and 603 of 2018 are **dismissed** and leave refused.

ii. CPLA Nos.412, 420, 421, 422, 423, 424, 461, 462, 463 and 506 of 2019 are converted into appeals and **allowed** and the impugned judgment dated 17.12.2018 is set aside.

iii. CPLA Nos.1919 of 2019 and 2066 of 2019 are **dismissed** and leave refused.

iv. CPLA Nos.357-K and 365-K of 2019 are converted into appeals and **allowed** and the impugned judgment dated 05.04.2019 is set aside. CPLA No.426-K of 2019 is **dismissed** and leave refused.

v. CPLA No.424-K of 2019 is converted into appeal and **allowed** and the impugned judgment dated 02.05.2019 is set aside. CPLA Nos.495-K and 496-K of 2023 assail the order of the SHC whereby the cases were adjourned *sine die*, however, since the main issue with reference to the status of the employees of the PTCL who were former T&T Department employees has been

[21] Office Memorandum No.F.13(10)-Reg.6/2008/413 Dated 16.05.2011.
[22] Wahid Bakhsh Wattoo v. Pak American Fertilizers Ltd. (2014 SCMR 113) and Wali-ur-Rehman v. State Life Insurance Corporation (2006 SCMR 1079).

decided by this Court, hence, these Petitions, being devoid of force, are **dismissed** and leave refused.

vi. CA No.1509 of 2021 is **dismissed** with no order as to costs.

vii. CPLA Nos.6005/2021, 6006/2021, 6023/2021, 6024/2021, 6025/2021, 6026/2021, 6027/2021, 6028/2021, 6029/2021, 6030/2021, 6087/2021, 6088/2021, 6089/2021, 6090/2021, 6091/2021, 6092/2021, 6093/2021, 6094/2021, 6095/2021, 6096/2021, 6101/2021, 6102/2021, 6103/2021, 6104/2021, 6105/2021, 6106/2021, 6268/2021, 6269/2021, 6270/2021, 6271/2021, 6272/2021, 6273/2021, 6364/2021, 6453/2021, 6454/2021, 6455/2021, 6456/2021, 134/2022, 135/2022, filed by the PTCL and PTET are converted into appeals and **allowed** and the impugned judgment dated 02.11.2021 is set aside. CPLA Nos. 6205/2021, 6222/2021, 6223/2021, 6224/2021, 6225/2021, 6255/2021, 6332/2021, 6333/2021, 6358/2021, 6359/2021, 6360/2021, 6361/2021, 6362/2021, 6363/2021, 6379/2021, 6437/2021, 6485/2021, 6545/2021, 6546/2021, 6547/2021, 6548/2021, 6549/2021, 6550/2021, 6553/2021, 6554/2021, 6555/2021, 6556/2021, 30/2022, 112/2022, 113/2022, 114/2022, 118/2022, 139/2022, 140/2022, 141/2022, 142/2022, 143/2022, 144/2022, 145/2022, 329/2022, 330/2022, 368/2022, 369/2022, 370/2022, 371/2022, 465/2022, 466/2022, 467/2022, 468/2022, 469/2022, 470/2022, 471/2022 and 654/2022 filed by retired employees of the PTCL are **dismissed** and leave refused.

viii. CPLA Nos.2107/2022, 2138/2022, 2139/2022, 2140/2022, 2141/2022, 2142/2022, 2143/2022, 2144/2022, 2145/2022, 2146/2022, 2147/2022, 2197/2022, 2199/2022, 2200/2022, 2201/2022, 2202/2022, 2203/2022, 2204/2022, 2205/2022, 2563/2022 and 2564/2022 are converted into appeals and **allowed** and the impugned judgment dated 26.04.2022 is set aside.

ix. CMA Nos.1470/2020 and 7698/2022 in CPLA No.463/2019, CMA Nos.1636/2022 and 1637/2022 in CPLA No.6005/2021, CMA No.7515/2024 in CPLA No.6104/2021, CMA Nos.1633/2022 and 810/2022 in CPLA No.6358/2021, and CMA No.11521/2023 in CPLA No.6379/2021 filed on behalf of the Applicants seek impleadment as necessary party. The claim of these Applicants, some of whom were heard in person, is

essentially the same as that of the Respondents or Petitioners being retired employees of the PTCL who were erstwhile employees of the T&T Department that they are civil servants and consequently be given pay and allowances, pension and pensionary benefits as civil servants. The Applicants were heard and there is no reason to implead them as party, hence, these applications are **dismissed**.

x. CMA No.5783/2022 in CPLA No.2138/2022, CMA No.5641/2022 in CPLA No.2139/2022, CMA No.5784/2022 in CPLA No.2140/2022, CMA No.5785/2022 in CPLA No.2141/2022, CMA No.5786/2022 in CPLA No.2142/2022, CMA No.5624/2022 in CPLA No.2143/2022, CMA No.5787/2022 in CPLA No.2144/2022, CMA No.5788/2022 in CPLA No.2145/2022, CMA No.5638/2022 in CPLA No.2146/2022, CMA No.5789/2022 in CPLA No.2147/2022, CMA No.5883/2022 in CPLA No.2197/2022, CMA No.5862/2022 in CPLA No.2199/2022, CMA No.6066/2022 in CPLA No.2201/2022, CMA No.6075/2022 in CPLA No.2202/2022, CMA No.6076/2022 in CPLA No.2203/2022, CMA No.6079/2022 in CPLA No.2204/2022, CMA No.6074/2022 in CPLA No.2205/2022, CMA No.6601/2022 in CPLA No.2563/2022 and CMA No.6602/2022 in CPLA No.2564/2022 seek interim injunction. Since main cases have been decided, hence, these applications have become infructuous. **Disposed of** as such.

xi. CMA No.8153 of 2023 in CPLA No.424-K of 2019, though not fixed today, filed by Respondent No.7 seeks de-clubbing of CPLA No.424-K of 2019. The matter in issue in the impugned judgment dated 02.05.2019 of the SHC is with reference to the status of the employees of the erstwhile T&T Department and the pensionary benefits they consequently claimed. In this context, a constitutional petition was filed by Respondent No.7 along with others specifically praying therein that they being transferred employees from erstwhile T&T Department be treated as civil servants and be given all increases as notified by the federal government with respect to pay and allowances, pension and pensionary benefits from time to time. They also claimed that the performance appraisal methodology of transferred employees under the PMS be declared illegal and that transferred employees be treated as civil servants and thereby their performance appraised accordingly. The matter in

issue has therefore direct nexus with the status of these employees who on the basis of their claim of being civil servants also seek benefits and treatment akin to that of civil servants. In this context, these petitioners specifically sought convening of DPC and writing of ACRs as that of civil servants as against the PMS. Under the circumstances, the contention that the case be de-clubbed as the matter in issue is different is incorrect. The underlying issue is the same and the consequences flow accordingly. This CMA is, therefore, dismissed.

xii. Crl.O.P. No.28/2018 in Crl.O.P. No.54/2015, Crl.O.P. No.56/2018, Crl.O.P. No.84/2018 in C.P.L.A. No.1643/2014, Crl.O.P. No.144/2022 and Crl.O.P. No.29/2023 in C.P.L.A. No.568/2014, emanating from *Muhammad Arif* judgment having become infructuous are **dismissed**. Since main criminal original petition has been dismissed, Crl.M.A. No.139/2025 in Crl.O.P. No.56/2018 seeking impleadment is also **dismissed**.

(I respectfully disagree with the opinion rendered by Mrs. Justice Ayesha A. Malik, J. and rendered my own opinion.)

CHIEF JUSTICE

(I agree with the opinion rendered by Mr. Justice Yahya Afridi, CJ.)

JUDGE

JUDGE

'APPROVED FOR REPORTING'
Azmat/*

Yahya Afridi, CJ.- I have had the privilege of reading the judgment authored by Justice Ayesha A. Malik. Her adopted view proceeds on the basis that employees who were transferred from the Telegraph and Telephone Department of the Federal Government ("**T&T**") to the Pakistan Telecommunication Corporation ("**PTC**"), and thereafter to the Pakistan Telecommunication Company Limited ("**PTCL**"), ceased to retain the status of civil servants, as determined by the five-member bench decision in **PTCL and others vs. Masood Ahmed Bhatti and others (2016 SCMR 1362) ("Masood Ahmed Bhatti review judgment")**. Relying on that premise, it concludes that these employees cannot claim pensionary benefits akin to those granted to civil servants.

2. With utmost respect, I am unable to agree with her concluded view. While I concur that it is a settled position of law that employees lost their civil servant status following their transfer from T&T to PTC, and later PTCL, I find that this alone does not extinguish their accrued and preserved pensionary entitlements, particularly in light of the fact that the transferred employees, though no longer civil servants, were transferred under a statutory framework that expressly safeguarded their terms and conditions of service.

3. My disagreement with the adopted view rests on three principled grounds: firstly, on the misinterpretation of key statutory provisions; secondly, on the misapplication of the Masood Bhatti review judgment, and finally, on an unwarranted dismissal of the distinction between civil servants and workmen. I shall now address each of these three grounds, in *seriatim*.

Misinterpretation of key statutory provisions:

4. Before we review the intent and scope of the relevant legislation on the terms and conditions of the employees of the PTCL, it would be important to first consider the historical evolution of the telecommunication sector of Pakistan **(**the **"sector")**. Initially, it operated as a public service under T&T. In the early 1990s, the Government of Pakistan initiated a phased restructuring of the sector. The first step was corporatization, which entailed transferring the functions and employees of T&T to a new statutory

corporation, the PTC, under the Pakistan Telecommunication Corporation Act, 1991 (the "**PTC Act**"). The second step was privatization: converting PTC into a limited company under the Pakistan Telecommunication (Reorganization) Act, 1996 (the "**PTCL Act**"), which laid the statutory basis for its eventual transfer of control to private shareholders. Such transformation of the sector necessarily involved the transfer of public employees from government service to corporate employment and thus, the legal and institutional implications of this transition, particular for the terms and conditions of employment were far-reaching, as employees moved from the relatively secure public employment to a corporatized, and eventually privatized setting within the sector.

5. In relation to employee transition, the purpose and intent behind the statutory framework was to ensure continuity and provide protection of rights at each stage. In this regard, PTC Act and the PTCL Act, are not to be viewed to exist in isolation, but are in fact, parts of a continuous legislative framework, each addressing a different phase of the same institutional restructuring. On this view, the possibility of an implied repeal is foreclosed. Instead, what emerges is a clear complementarity behind the two enactments: the provisions of the PTC Act and the PTCL Act must be read together, not apart, as components of a coherent and unified whole. And thus, the provisions flowing therefrom must be interpreted harmoniously, aligning with the shared legislative intent underpinning both the statutes.

6. Given the above legislative intent, we may now proceed to examine the specific statutory provisions that governed the transfer of employees from T&T to PTC, and later, to PTCL.

7. Section 9(1) and 9(2) of the PTC Act, set out the statutory mechanism for the transfer of employees from T&T to PTC in the following terms:

> 9. **Transfer of departmental employees to the Corporation.**—(1) Notwithstanding anything contained in any law, contract or agreement, or in the conditions of service, all departmental employees shall, on the establishment of the Corporation, stand transferred to, and become employees of the Corporation, on the same terms and conditions to which they were entitled immediately before

> such transfer, provided that the Corporation shall be competent to take disciplinary action against such employee.
>
> (2) The terms and conditions of service of any such person as is referred to in sub-section (1) shall not be varied by the Corporation to his disadvantages.
>
> (emphasis provided)

A careful reading of the above provision settles two foundational essentials. Firstly, Section 9(1) provides for all employees of T&T to stand transferred to PTC "*on the same terms and conditions to which they were entitled immediately before such transfer.*" The phrase "*immediately before such transfer*" is central here. It fixes a definitive point in time; the moment just prior to transfer, as the reference for determining the entitlements of each employee. It is from that particular point in time, then, that the terms and conditions of each employee are to be carried forward. Secondly, through Section 9(2), PTC is unequivocally barred from altering these terms and conditions, leading to the preservation and protection of the concrete set of rights of every employee that existed in place at the time of transfer to PTC.

Both the text and context make the legislative intent behind these provisions abundantly clear: they were designed, specifically and intentionally, to insulate transferred employees from any potentially adverse alteration of their employment rights, which could take place during the corporatization of T&T.

8. It is in tandem with the provisions of Section 9(1) and 9(2) of the PTC Act and the underlying legislative intent thereto that the relevant provisions of the PTCL Act must also be read. We must first look at the definition of "*telecommunication employees*" as provided in Section 2(t) of the PTCL Act, as it informs the reach and application of several provisions that follow, and provides the interpretive groundwork necessary to understand the scope and internal logic of the substantive framework of the PTCL Act. The definition so provided, reads:

> **Section 2(t):** "telecommunication employees" means the employees of the Corporation who are transferred to the employment of the Company under this Act, other than those to whom sub-section (3) of section 36 applies, and all persons who, on the effective date for the Company, were employees of the Corporation, the former Telegraph and Telephone Department of the Federal Government and are receiving, or

> are entitled to receive, pensionary benefits from the Corporation;

The above provision defines the class of individuals to whom the PTCL Act applies in respect of certain provisions on employment-related matters. It draws a distinction between two broad categories: First, employees of PTC who are transferred to PTCL under the PTCL Act, excluding those governed by Section 36(3). Essentially, this group encompasses *all* serving employees, including those originally from T&T, provided they were in the service of PTC at the time of transfer. Second, all former employees of PTC, including those who had previously served in T&T, who are receiving, or entitled to receive a pension from the PTC. It is pertinent to note that under Section 12 of the PTC Act, all liabilities of T&T were transferred to PTC. As a result, PTC became responsible for disbursing pensions to both; its own former employees and those of the former T&T. The definition in the PTCL Act, thus adopts a broad scope to include all such pensioners within the term "*telecommunication employees*".

9. Now, we need to attend to Section 36 of the PTCL Act, which serves as the central provision addressing the terms of the transfer of employees from PTC to PTCL. The said provision reads as follows:

> **36. Terms and conditions of service of employees.**–(1) No person transferred to the Company pursuant to subsection (2) of section 35, hereinafter referred to as "Transferred Employee", shall be entitled to any compensation as a consequence of transfer to the Company:
>
> Provided that the Federal Government shall guarantee the existing terms and conditions of service and rights, including pensionary benefits of the Transferred Employees.
>
> (2) Subject to subsection (3), the terms and conditions of service of any Transferred Employee shall not be altered adversely by the Company except in accordance with the laws of Pakistan or with the consent of the Transferred Employees and the award of appropriate compensation.
>
> (3) At any time within one year from the effective date of the order vesting property of the Corporation in the Company, the Federal Government may, with the prior written agreement of a Transferred Employee require him to be transferred to or revert him back and be employed by the Authority, National Telecommunication Corporation, Trust or the Federal Government on the same terms and conditions to which he was entitled immediately before such transfer.
>
> (4) Subject to proviso to subsection (1) of section 45 on transfer of a Transferred Employee under sub-section (3), the Federal Government shall assume responsibility for his pensionary benefits without recourse to the Pension Fund referred to in that section.

> (5) Under the order vesting property of the Corporation in the Company, the Federal Government shall require the Company to assume the responsibility of pensionary benefits of the telecommunication employees and the Company shall not alter such pensionary benefits without the consent of the individuals concerned and the award of appropriate compensation.
>
> (emphasis provided)

It is but clear from the bare reading of the above provisions that the legislature intended to clearly distinguish between the transferred employees of PTCL. The first category of employees is addressed in Subsections (1) to (4), which deal exclusively with "*Transferred Employees*," a term that covers only the first group within the broader definition of "*telecommunication employees,*" particularly, those active employees of PTC who were transferred to PTCL under the PTCL Act. This includes all transferred PTC employees, irrespective of whether they were originally part of T&T. On the other hand, Subsection (5) deals with both the first and second category of employees provided for in the definition of "*telecommunication employees*". But what is crucial to note here is the marked shift in focus from individual employment protections to corporate responsibility. Here, the PTCL Act deliberately uses the broader term "*telecommunication employees*," which captures both the categories, as defined in Section 2(t), thereby placing responsibility for the pensionary benefits of the entire class on PTCL.

When approached as such, the structure of Section 36 reveals a layered, intentionally nuanced protective scheme. For active transferred employees, Sections 36(1)-(4) establish a defined set of rights, which include, but are not limited to pensionary benefits and would certainly include other service-related rights, which PTCL is bound to preserve. However, Section 36(5) of PTCL Act, dealing exclusively with the subject of pensionary benefits, goes a step further by ensuring that PTCL takes responsibility for the disbursement of pension for all "*telecommunication employees*", instead of only "*Transferred Employees*" as referred to in the preceding sections. The legislative intent and purpose here, as enunciated by the deliberate shift in language, is to ensure that all entitled individuals fall under the administrative responsibility of PTCL, as far as the disbursement of pension is concerned.

10. What is also important to appreciate is that there is a deliberate legislative choice of language across the PTC Act and the PTCL Act. Section 9(1) of the PTC Act protects the terms and conditions in place "*immediately before transfer*", fixing a reference point at the moment of the transfer itself. However, when the PTCL Act affords similar protection to transferred employees in Section 36(1) of the PTCL Act, it refers to "*existing*" rights, indicating that what is being protected is not a static set of entitlements but one that continues through time. The shift from a defined moment to a continuing state suggests that the protection was meant to move with the rights as they evolved.

11. This underlying continuity holds particular significance for those transferred employees who were civil servants prior to their transfer to PTC, and thereafter to PTCL. For such employees, pensionary benefits were not merely contractual arrangements but held a status grounded in public law, carrying with them a presumption of continuity and progressive enhancement. The guarantee of "*existing*" rights under Section 36(1) must therefore be read in that context: as a legislative assurance that these individuals would continue to enjoy the same character of rights they were entitled to in public service, including the reasonable expectation that pensionary benefits would evolve over time in accordance with prevailing standards and policy.

12. It is important to clarify that pension, after all, is not merely a deferred wage or static compensation for past service; it is a form of economic security designed to protect dignity in the fall of life. Its purpose is to allow retirees to live with independence and self-respect at a standard that reflects the value of their service. In this light, the use of the word "*existing*" reflects a deliberate legislative recognition of pension as a dynamic right, one meant to adjust with time, living costs, and changing needs[1]. The statutory language thus supports not just formal continuity, but the substantive preservation of the character and value of pensionary benefits and the underlying pensionary scheme they flow from.

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[1] See D.S. Nakara & Others vs Union Of India (1983 AIR 130)

13. Thus, it was this substantive set of "*existing*" rights, evolving and adaptable as they are, that PTCL was entrusted with the responsibility to protect, as stipulated in Section 36(5) of the PTCL Act. To assist in carrying out this responsibility, the Pakistan Telecommunication Employees Trust ("**PTET**") was established. PTET was tasked with the management and provision of pension payments to telecommunication employees. In this regard, Section 46(1)(d) of the PTCL Act states:

> **46. Functions and powers of the Trust.—** (1) For carrying out the purposes of the Trust, the Board of Trustees shall...
>
> (d) make provision for the payment of pensions to telecommunication employees to the extent of their entitlement.
>
> (emphasis provided)

PTCL has argued that under Section 46(1)(d), the Board of Trustees of PTET has discretion in determining pension levels, including the ability to revise them as it sees fit. However, this interpretation misreads the provision and the legislative intent behind it. Section 46(1)(d) explicitly requires PTET to ensure that pensions are paid to "*telecommunication employees*" according to "*the extent of their entitlement*". As already established, the term "*telecommunication employees*" does include those originally transferred from T&T, as PTCL has asserted, but it is crucial that the provisions of Section 46(1)(d) are interpreted in conjunction with Section 36(1) of the PTCL Act as well as Section 9(1) of the PTC Act, both of which establish the protection of the underlying pensionary scheme the transferred employees were entitled to at the time of transfer. The phrase "*to the extent of their entitlement*" clarifies that the role of PTET is not to alter pensionary entitlements but to administer them in accordance with the rights that were already established. These rights, as set out under Sections 36(2) and 36(5) of the PTCL Act, as well as Section 9(2) of the PTC Act, must be maintained in full, without any reduction or modification. Thus, rather than granting PTET the authority to reduce or change the nature or quantum of pensionary benefits, Section 46(1)(d) imposes a clear duty on PTET to ensure that pensions are paid according to the full extent of the already established entitlements of the employees. Any attempt to diminish

these entitlements would go against the statutory framework, which is designed to preserve and protect the integrity of these rights.

14. In order to advance its arguments, PTCL also relies on Section 46(2)(a) of the PTCL Act, which states:

> (2) In performance of its functions, the Board of Trustees shall–
>
> (a) have the exclusive right to determine the amounts, if any, payable in respect of pension benefits to the telecommunication employees;

On the surface, this provision might suggest that PTET has wide discretion over the determination of the amount of pension payable to all telecommunication employees. However, this discretion is not absolute and must be understood within the broader context of the statutory framework. In light of Sections 36 of the PTCL Act and Section 9 of the PTC Act, which protect the existing pensionary rights of transferred employees, and that too, in recognition of their dynamic nature, as explained above, the authority granted to PTET is circumscribed. As Section 46(1)(d) makes clear, PTET is required to pay pensions "*to the extent of their entitlement*" - a duty that reinforces the point that the role of PTET is to administer, not redefine these rights. Thus, PTET's "*exclusive right*" under Section 46(2)(a) must be seen as a procedural one, aimed at ensuring proper disbursement of pensions, not a *carte blanche* to reduce or modify the underlying pension benefits. Any attempt to do so would not only contradict the statutory guarantees but would also undermine the intent of the legislature to safeguard the substance of the pensionary rights of transferred employees.

15. It would thus be safe to conclude that, the statutory framework, read as a coherent whole, preserves not just the fact of pensionary benefits for transferred employees, but their character, continuity, and evolution. The express text and the protective intent of Sections 9 of the PTC Act and 36 of the PTCL Act cannot be disturbed by PTET under the guise of its statutory authority. These provisions guarantee that pensionary benefits, as they existed and developed, would be carried forward, not reset or diminished. The approach taken in the adopted view, which essentially accepts the

narrow reading advanced by PTCL, reduces pension to a static, one-time benefit, severed from the revisionary safeguards integral to public service. Respectfully, such an approach not only defeats the legislative purpose behind the entire framework governing this dispute, but also strips transferred civil servants of the very protections the law was enacted to preserve.

Misapplication of the Masood Bhatti review judgement

16. The misreading of the statutory framework is further compounded by a misapplication of the *Masood Bhatti review judgement*. While the adopted view cites the case to support the conclusion that civil servant status, and by extension the entitlement to federally revised pensionary scheme, was extinguished upon transfer, such a reading fails to appreciate the reasoning actually adopted by this Court in said judgment. This Court in the *Masood Bhatti review judgement* did confirm the cessation of the civil servant status of transferred employees following their transfer from T&T to PTC and thereafter, PTCL. However, it drew a clear distinction between administrative status and the protection of vested rights by acknowledging that, while employees ceased to be civil servants, their pensionary entitlements, once vested, continued to enjoy statutory protection.

17. Given that the Court in *Masood Bhatti review judgement* may not have expressly discussed the evolving nature of pensionary rights, its logic, especially in light of the statutory framework discussed above, supports the conclusion that vested rights, once transferred and protected by statute, must retain their operative features, even after the formal status of the employee changes. For former civil servants, pensionary entitlements had long included periodic revisions aligned with governmental adjustments, reflecting a broader understanding of pension as a living right rather than a frozen benefit. To treat the loss of status, as also entailing a rupture in the evolving framework of pensionary rights, as the adopted view does, is to both neglect the pervasive protective intent of the legislature behind enacting the PTC Act and the PTCL Act, and to misapply precedent set by the Court in *Masood Bhatti review judgement*. Taken together, these sources affirm that pensionary

benefits were intended to endure beyond administrative transitions, an approach that the adopted view neglects in reaching the conclusion contained therein.

Dismissal of the Civil Servant-Workman Distinction

18. Based on the correct understanding of the decision in *Masood Bhatti review judgement* and the legislative intent underpinning the statutory protections afforded to transferred employees, the dismissal of the distinction between civil servants and workmen among transferred employees in the adopted view risks oversimplifying a legal reality that is both structurally and historically significant. The statutory framework did not adopt a blanket approach to all categories of employees; rather, it preserved rights according to their pre-existing legal character. In this context, the categorization adopted by the Islamabad High Court (impugned judgment dated 02.11.2021) distinguishing between those with vested statutory rights and those without was not only logical but necessary to preserve the integrity of the statutory scheme and the differential protections embedded therein.

19. The distinction between civil servants and workmen among transferred employees is rooted in the legal framework that governed their employment at the time of transfer. Civil servants, by virtue of their status under the civil service laws, held pensionary entitlements that were not only vested but also governed by statutory principles allowing for periodic revision and enhancement. These rights were thus dynamic in nature, shaped by legislative and administrative practice over time. In contrast, workmen, whose terms were contractual or governed by non-statutory instruments, did not possess equivalent entitlements grounded in law. While the legislative framework guaranteed "*existing rights*" to all transferred employees, the content and scope of those rights necessarily varied in light of the legal status of employees before transfer. Recognizing this differentiation is essential to a faithful application of the statutory protections, as it reflects not discrimination, but adherence to the principle that the law protects rights as they were legally constituted at the time of transfer.

20. The distinction between civil servants and workmen among transferred employees is rooted in the pre-existing legal reality at the time of transfer. Civil servants originally enjoyed statutory protections ensuring evolving pensionary rights, whereas workmen did not possess similar entitlements rooted in statute. Consequently, even though the legislative framework broadly protected *'existing'* rights for all employees, the content and nature of those rights necessarily differ based on the employees' prior status. Recognizing this differentiation is essential to faithfully applying the statutory protections, rather than collapsing materially distinct entitlements into a single undifferentiated category.

21. A more nuanced approach, therefore, would accept that only those employees who had vested, statutorily protected pensionary benefits as civil servants are entitled to the continuation of those benefits in their full and evolving form, including periodic enhancements. For such employees, the protection of "existing" rights must be understood to include not only the right to receive a pension but to receive it in a manner consistent with the dynamic structure under which it had accrued. On the other hand, employees categorized as workmen, whose entitlements did not include a legally enforceable right to enhanced pension, would logically not possess equivalent claims. The statutory framework thus accommodates differentiation without discrimination, reflecting continuity of legal entitlements rather than the imposition of a uniform standard upon legally distinct classes.

22. It must also be noted that some petitioners had voluntarily exited service under the Voluntary Separation Scheme ("**VSS**"), which operated as a full and final settlement of service-related claims. In such cases, the acceptance of benefits under VSS necessarily disentitled these employees from asserting residual pensionary claims, including those premised on statutory revision. This, too, forms a legally distinct basis for exclusion, separate from the question of civil servant status or the existence of vested rights. Accordingly, while the statutory framework preserves pensionary rights where they were legally grounded, it does not extend those protections to employees who have contractually relinquished them.

Conclusion

23. In summation, my considered view is that the employees transferred from T&T to PTC, and subsequently to PTCL, retained not only their right to pensionary benefits but also the character of those benefits as dynamic and evolving rights. While these employees ceased to be civil servants, the statutory framework governing their transfer safeguarded their pensionary entitlements in full: not just as frozen benefits fixed at the time of transfer, but as living rights that were to progress in accordance with prevailing standards applicable to similarly situated public servants. The scheme under Sections 9 of the PTC Act and 36 of the PTCL Act guarantees the continuation of these entitlements, and the administrative mechanism created under the PTCL Act, including the establishment of PTET was intended to facilitate, not frustrate, this guarantee. PTCL and PTET are duty-bound to ensure that the full measure of these entitlements is met, and any interpretation that reduces these rights to static or discretionary payments is contrary to the legislative mandate.

24. Before parting with this judgement, it is necessary to clarify that this conclusion and these dispositions, have not been reached in ignorance of the financial concerns raised by PTCL and PTET. The submissions regarding the financial burden and claims of fiscal unsustainability have been duly considered. However, financial difficulty does not absolve a statutory entity of its legal obligations. If the existing pension model is incapable of sustaining the financial burden, it is the model that must be recalibrated, not the statutory entitlements curtailed. That said, the practical challenges identified by PTCL and PTET are real, and it is recognized a rigid timeline for disbursement may not be financially viable. Accordingly, PTCL must acknowledge its continuing financial liability towards former civil servants and reflect this as a declared liability on its financial records in accordance with applicable accounting and corporate law principles. Thereafter, PTCL, through PTET, may determine a feasible disbursement schedule for revised pensionary payments, the needful be done within 90 days, and that the payment process

remains transparent and equitable in addressing the rightful claims of the affected pensioners.

25. Accordingly, for the reasons stated above, I respectfully disagree with the conclusion drawn by Justice Ayesha Malik, and hold that:

- **CPLA Nos. 412, 420–424, 461–463, and 506 of 2019; CPLA Nos. 424-K, 357-K, and 365-K of 2019; CPLA Nos. 6005, 6006, 6023–6030, 6087–6096, 6101–6106, 6268–6273, and 6364 of 2021, 6453-6456 of 2021; and CPLA Nos. 134–135 of 2022** are dismissed. The impugned judgments of the High Courts are upheld to the extent that they grant pensionary revisions to those transferred employees who were civil servants at the time of their transfer. Such employees are entitled to the continuation of pensionary benefits, including revisions notified by the federal government.

- **CPLA Nos. 2107, 2140, 2141, 2143, 2144, 2145, 2146, and 2147 of 2022** are allowed. The impugned judgments are set aside. The petitioners, being civil servants at the time of transfer, are entitled to continued pensionary revisions as per federal government notifications.

- **CPLA Nos. 2138, 2139, and 2142 of 2022** are allowed, subject to classification confirmation. The matters are remanded to the relevant High Court for factual determination of the service status of the petitioners at the time of transfer. If the petitioners are found to have been civil servants, they shall be entitled to the continuation of pensionary benefits, including revisions notified by the federal government.

- **CPLA Nos. 6205, 6222-6225, 6332, 6333, 6358-6363, 6379, 6437, 6485, 6545-6550, 6553-6556 of 2021, and CPLA Nos. 30, 112-114, 118, 139-145, 329, 330, 368-371, 465-471, 645 of 2022** are remanded for determination whether each petitioner held civil-servant status at transfer end, and if so, for corresponding pension revisions.

- **CPLA No. 426-K of 2019; CPLA Nos. 1919 and 2066 of 2019; and CPLA Nos. 369, 373, and 603 of 2018** are dismissed, as the petitioners either availed VSS, were not civil servants at the time of transfer, or did not establish a statutory entitlement to pensionary revisions under the applicable legal framework.

- **CPLA Nos. 2197, 2199, and 2200–2205 of 2022; CPLA Nos. 2563 and 2564 of 2022; and CPLA Nos. 495-K and 496-K of 2023** are remanded to the relevant High Court for determination of the petitioners' employment classification and entitlement to relief in light of the legal principles laid down in this judgment.

- **C.A. No. 1509 of 2021** is dismissed, with no order as to costs.

- **Crl.O.P. No. 28/2018 in Crl.O.P. No. 54/2015; Crl.O.P. Nos. 56/2018 and 84/2018 in C.P.L.A. No. 1643/2014; Crl.O.P. No. 144/2022 and Crl.O.P. No. 29/2023 in C.P.L.A. No. 568/2014** are dismissed as infructuous. **Crl.M.A. No. 139/2025 in Crl.O.P. No. 56/2018** is also dismissed.

- **CMA Nos. 5783/2022, 5641/2022, 5784/2022, 5785/2022, 5786/2022, 5624/2022, 5787/2022, 5788/2022, 5638/2022, 5789/2022, 5883/2022, 5862/2022, 6066/2022, 6075/2022, 6076/2022, 6079/2022, 6074/2022, 6601/2022, 6602/2022** (interim applications for injunctive relief in various CPLAs) are disposed of as infructuous, the main matters having been decided.

- **CMA Nos. 1470/2020 and 7698/2022 in CPLA No. 463/2019; CMA Nos. 1636 and 1637/2022 in CPLA No. 6005/2021; CMA Nos. 1633 and 810/2022 in CPLA No. 6358/2021; and CMA No. 11521/2023 in CPLA No. 6379/2021, and CMA No. 7515/2024 in CPLA No. 6104 of 2021** all seeking impleadment, are dismissed.

- **CMA No. 8153 of 2023 in CPLA No. 424-K of 2019,** seeking de-clubbing of the petition, is dismissed.

Chief Justice

ORDER OF THE COURT

By a majority of 2 to 1, the listed cases are disposed of in the terms noted in the judgment rendered by Mr. Justice Yahya Afridi, CJ.

Chief Justice

Judge

Judge

Announced in open Court on _____ at _____

Chief Justice